

Subject: **HHS** STAFF MANUAL SYSTEM

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J-00-00 PURPOSE

The BBS Staff Manual System serves as an official medium for providing instructions and information to BBS employees on administrative management, financial management, personnel management and related activities. This chapter describes the system and the standards and procedures applicable to its operation.

1-00-10 ADMINISTRATION OF THE SYSTEM

A. The Office of Management and Acquisition (**OMAC**), Office of the Assistant Secretary for Management and Budget (**ASMB**), Office of the Secretary (OS), oversees the administration of the **HHS** Staff Manual System through the BBS Staff Manual Coordinator. The **HHS** Staff Manual Coordinator is responsible for establishing standards for style and distribution of staff manual material, monitoring the use of these standards; coordinating the printing and distribution of staff manual material; and providing technical assistance to elements of the Department on directives management.

- B. The Office of Human Resource Programs (OBRP), Office of the Assistant Secretary for Personnel Administration (ASPER), OS, coordinates the development and preparation of HHS Personnel Manual material issued by ASPER. It provides oversight on the distribution of these materials and the materials issued by the Office of Personnel Management. It also establishes policies for the issuance of personnel materials by other Department components.
- C. The Executive Secretariat, OS, provides OMAC with the Secretary's policy management decisions for inclusion in the BBS Staff Manual System.
- D. OS Staff Divisions (STAFFDIVs) and Operating Divisions (OPDIVs) with functional responsibility for subjects covered by the HHS Staff Manual System are responsible for developing and updating directives on those subjects.
- E. OMAC maintains mailing lists for BBS staff manuals, prints and distributes staff manual material developed by OS and other components of the Department. OMAC also distributes manual material issued by the General Services Administration and Office of Personnel Management.
- F. Each OPDIV, STAFFDIV, and OS Regional Office oversees the effective use of the HHS Staff Manual System within its own organization. This oversight responsibility includes:
 - 1. Development and publication of supplements, *where* necessary. All supplements must conform to Department policy.
 - 2. Development and publication of new directives on topics not covered or planned to be covered by the Department, after consultation with the appropriate STAFFDIV.
 - 3. Designation of one or more directives distribution coordinators (see Exhibit 1-00-F) to control the distribution of staff manual material within the component or office.

J-00-20 HHS STAFF MANUALS

The BBS Staff Manual System provides instructions and information to BBS employees through a series of manuals. Exhibit 1-00-A, HHS Staff Manuals, lists the **manuals of the HHS Staff Manual System (except the personnel Manual)**, and provides the following information about each **manual**:

- Summary and scope of its contents
- Explanation of how and when to use it
- Responsible OPDIV or STAFFDIV

Each manual (**with two** exceptions) deals with a single administrative subject (e.g., accounting, travel). The exceptions **are** the:

Organization Manual which describes the organizational structure of the Department, the functions performed by each organization, and the program authorities assigned to **each** organization.

General Administration Manual which contains **instructions** and information on subjects not covered by the other manuals. Using the **Organization Manual**, the ASMB will identify the responsible offices for **those** chapters with subject **areas** that are cross cutting.

Exhibit 1-00-B, Structure **of HHS** Staff Manuals, outlines the general structure recommended for manuals.

1-00-30 DESCRIPTION OF DIRECTIVES

- A. **Types of Directives.** The directives used in the **HHS** Staff Manual System are:
1. **Secretarial Directives**-- Secretarial Directives **are** described in Chapter **1-05** of this manual.
 2. **Chapter**--the medium for issuing **continuing** instructions. (In the **Personnel Manual**, chapters are called instructions.)
 3. **Circular**--the medium for issuing **temporary** instructions, including those requiring action of a one-time nature.
 4. **Exhibits**--attachments to other directives which supplement instructions contained in those directives.

5. Transmittal--the covering document used to transmit chapters and describe the material contained in them.
- B. Format and Numbering System Exhibit **1-00-D**, Guidelines for Preparing and Processing Directives for the BBS Staff Manual System, illustrates the formats and the numbering systems of these directives. The HHS Acquisition Regulation, Materiel Management and Telecommunications Manuals use the numbering systems of the Federal regulations upon which they are based. The introduction of these manuals explains their numbering systems.

1-00-40 DEVELOPMENT OF DIRECTIVES

- A. Responsibility for Development Each STAFFDIV or OPDIV with functional responsibility for subjects covered by the manual system is responsible for developing, updating and cancelling directives on those subjects. This responsibility includes making certain that directives are accurate, current and complete; preparing directives for publication; and complying with the requirements of this chapter.
- B. Preparation The responsible STAFFDIV or OPDIV should follow the guidelines of Exhibits **1-00-C**, Guidelines for Writing Directives for the HHS Staff Manual System, and **1-00-D**, Guidelines for Preparing and Processing Directives for the BBS Staff Manual System. .
- C. Review and Clearance The responsible OPDIV or STAFFDIV should provide other concerned **OPDIVs** or **STAFFDIVs** and Regional Offices the opportunity to review and comment on proposed directives before publication in the manual system. For example, any directive that contains a Department policy or practice which may affect conditions of employment must be coordinated with the Office of Human Relations, **ASPER**, OS, prior to final formulation of the directive.
- D. Approval. The approving official must sign each **directive** before it can be published in the manual system. The signature appears on transmittals for chapters. For circulars, transmittals are not used; the signature appears on the last page of the circular itself. Within OS, the approving official is the head of the responsible STAFFDIV or the official who has functional responsibility for the subject matter.

- E. Effective Date. The effective date of a directive is the issue date unless otherwise noted in the **directive** or its transmittal. The issue date appears in the heading of each page of a directive, as shown in Exhibit 1-00-D.
- F. Effect on Previous Directives. Any directive issued in the manual system states the official position of the issuing organization as of the issue date. It supersedes any previous directive (issued by the issuing organization) which is in conflict with it.
- G. Supplements and New Directives OPDIVs, STAFFDIVs, and OS Regional Offices may issue: '(1) supplements to material in the manual system; and, (2) new directives on topics not covered or planned to be covered in the system by the Department. OPDIVs may authorize their major subordinate elements to issue supplements.

1-00-50 DISTRIBUTION OF DIRECTIVES

A. Directives Distribution Coordinators

- 1. Designation. The chief administrative official of each OPDIV **and** each Regional Office (OS offices only) should designate a directives distribution coordinator (DDC). Within OS, the **HHS** Staff Manual Coordinator serves as the DDC, with the STAFFDIV administrative officers or executive officers generally serving as liaisons to the OS DDC. Each agency will provide the **HHS** Staff Manual Coordinator with the name, address, and telephone number of each such coordinator and the service area.
- 2. Area Served. **DDCs** for each OPDIV serve the headquarters, field and each Regional Office of their respective organizations. The OS Coordinator in the Regional Office serves only the Office of the Regional Director, Regional Administrative Support Center, and the OS STAFFDIVs located in the Regional Office. The **HHS** Staff Manual Coordinator controls the distribution for all headquarters offices of OS. See Exhibit 1-00-F for a Directives Distribution Coordinators list.

3. **Services Provided.** Each DDC provides these services within the service area:
 - a. Reviews requests for and orders, as needed, copies of manual and individual directives from **OMAC** for employees in the service area.
 - b. Requests **OMAC** to make changes to the mailing list for each manual, as requested by officials in the service area.
 - c. Updates periodically, or upon request from the **HHS** Staff Manual Coordinator, the distribution list for each manual.

B. **Mailing Lists**

OMAC maintains a mailing list for each staff manual and uses that list to distribute material for the manual. **OMAC** compiles and updates the list from the information received from the **DDCs**.

Exhibit **1-00-E**, How to Order Manuals and Individual Directives, explains the process for inclusion on the mailing list and how to order manuals and individual directives.

1-00-60 REQUEST FOR CHANGE TO MANUALS

Any STAFFDIV or OPDIV that wishes to create a new manual, discontinue a current manual, make substantive changes to an existing manual or add a new part to the, **General Administration Manual**, should request approval of the change from the Deputy Assistant Secretary for Management and Acquisition, **ASMB**, OS, during the initial planning stage. The request should explain the change and why it is essential.

1-00-70 REQUEST FOR WAIVER

Any STAFFDIV or OPDIV that wishes to obtain a waiver of any provision of this chapter should make its request in writing through its chief administrative official to the Deputy Assistant Secretary for Management and **Acquisition**. The request must state specifically why the waiver is needed and how it **will assist** the requesting office and the users of the manual. **OMAC** will maintain a complete file on each waiver request.

HHS STAFF MANUALS

This Exhibit lists each manual of the HHS Staff Manual System except the Personnel Manual, which is issued by the Center for Human Resource Strategic Planning and Policy, ASPER. It also describes the content, intended users, and the STAFFDIV or OPDIV responsible for each manual. HHS employees may obtain more information about each manual from the responsible office.

ACCOUNTING MANUAL provides instructions on accounting and financial reporting operations within the Department. It sets forth principles, standards, and other requirements prescribed by the Comptroller General, the Treasury Department, the Office of Management and Budget, and other control agencies.

Intended users: system accountants, operating accountants, and other personnel responsible for management and accounting of funds and for the financial reporting activities.

Responsible office: Office of Finance (OF), ASMB, OS.

COMMUNICATIONS STYLE GUIDELINES contains instructions on how to prepare and process letters, memoranda, and other forms of correspondence.

Intended users: supervisors, stenographers, typists, and others who prepare and process correspondence.

Responsible office: Executive Secretariat, Immediate Office of the Secretary (OIS), OS.

EMERGENCY PLANNING AND OPERATIONS MANUAL contains policies, procedures, and requirements governing the Department's emergency management, planning, and operations. It is the sole source for all permanent directives pertaining to crisis management matters, including major disasters, national emergencies, defense mobilization, and other major catastrophes in which the Department may be involved.

Intended users: personnel within the Department responsible for planning or carrying out emergency preparedness activities.

Responsible office: Deputy Assistant Secretary for Health Operations, Office of the Assistant Secretary for Health (OASH), PHS.

FORMS MANAGEMENT MANUAL contains instructions for carrying out a forms management program. It states the program objectives, assigns responsibility for meeting these objectives, and **prescribes basic** policies, standards, and procedures for establishing and maintaining such a program. It provides standards and procedures on basic requirements, legal limitations,, clearances, reproduction, use of forms, the assignment of form numbers, and coordination with other Government agencies. (Will eventually be incorporated into the **Information Resources Management Manual** series.)

Intended users: personnel engaged in the development, clearance, and control of forms and related procedures.

Responsible office: Office of Information Resources Management (OIRM), ASMB, OS.

GENERAL ADMINISTRATION MANUAL contains instructions and information on subjects which do not fall within the scope of the other HHS staff manuals.

Intended users: all offices that have a need to know administrative procedures and policies.

Responsible office: Various **STAFFDIVs** and **OPDIVs**.

GRANTS ADMINISTRATION MANUAL sets forth Department-wide grants administration policies and procedures which have not been published in regulations. It contains instructions to granting agencies for managing both discretionary and mandatory grant **programs**, and deals with the establishment of both internal operating procedures and external policies governing the terms and conditions of grants and relations with grantees.

Intended users: all grants management and program officials who are involved in the award or administration of grants.

Responsible office: Office of Management and Acquisition (OMAC), ASMB, OS.

HHS ALERT LIST is a quarterly listing of "high risk" organizations which have either had grants terminated or awarded with special conditions. The List is distributed to all **HHS** grants officers and **must** be consulted before making new awards.

Intended users: personnel engaged in negotiating and awarding discretionary grants and cooperative agreements.

Responsible office: Office of Management and Acquisition (OMAC), ASMB, OS.

GUIDE FOR TIMEKEEPERS MANUAL contains information and instructions for completing and maintaining time, attendance and leave for certain employees of the Department. Its coverage includes providing narrative and graphic up-to-date information on the use and preparation of the various kinds of time and attendance reports; earning, crediting and charging leave; correcting leave and amending time and attendance reports; filing and maintaining leave accounts **and** attendance records; and assuring the time, leave and attendance records are available in the event of an audit by the General Accounting Office. (Instructions for **PHS** commissioned officers are contained in a separate manual.)

Intended users: timekeepers, supervisors and others associated with time, attendance and leave accounts activities.

Responsible office: Office of Human Resources Information Management (OHRIM), **ASPER**, OS.

HHS ACQUISITION REGULATION (HHSAR) serves as the single authoritative reference of the Department for uniform policies, procedures, regulations, systems, and delegations **of** authority applicable to the procurement of personal property and nonpersonal services (including construction). Its format differs from that of other manuals in the HHS Staff Manual System and is patterned after the format of the **Federal Acquisition Regulation**, issued by the General Services Administration.

Intended users: personnel engaged in the procurement *of* property and nonpersonal services.

Responsible office: Office of Management and Acquisition (OMAC), ASMB, OS.

INFORMATION RESOURCES MANAGEMENT MANUAL (IRM) identifies and describes the policies, procedures, and responsibilities of IRM related activities administered by the Department. IRM encompasses both information itself and the resources, such as personnel, equipment, funds, and technology used to create, collect, process, transmit, disseminate, use, store, and dispose of information. When the **IRM Manual** is revised, it will incorporate information currently contained in the **Records Management Manual** and the **telecommunications Management Manual**. As this takes place, these manuals will be discontinued.

Intended Users: DHHS personnel engaged in IRM activities. Intended users may include, but are not limited to, IRM officials and employees, end users, systems, computer, and **telecommunication** specialists and security forms and records officers.

Responsible Office: Office of Information Resources Management (OIRM), ASMB, OS.

MATERIEL MANAGEMENT MANUAL serves as the single authoritative reference of **the Department** for uniform policies, systems, regulations, procedures, and delegations of authority pertaining to the management of personal property, transportation, and motor vehicles. Its format differs from that of other manuals in the **HHS Staff Manual System** and is patterned after the format of the **Federal Property Management Regulations**, issued by the General Services Administration.

Intended users: personal property management and property accountable officers; other personnel concerned with the management of inventories of supplies, materials, and equipment acquired for use within the Department and of government property in use at a contractor's facility.

Responsible office: Office of Management and **Acquisition** (OMAC), ASMB, OS.

NATIONAL SECURITY INFORMATION MANUAL Contains policy and procedures for handling and safeguarding classified national security information. Its coverage provides information and instructions regarding access to national security information, accountability, storage, and destruction of this sensitive information, and security awareness while in contact with foreign nationals or during foreign travel.

Intended users: personnel security representatives, logging control officers, custodians of classified files, and all HHS employees or contractors who have security clearances for access to classified national security information.

Responsible office: Office of Personnel Services, ASPER, OS.

ORGANIZATION MANUAL describes the officially approved structural and functional organizations of the Department.

Intended users: principal officers of the Department.

Responsible office: Office of Management and Acquisition (OMAC), ASMB, OS.

PRINTING MANAGEMENT MANUAL contains policies, responsibilities, and instructions for the guidance of personnel concerned with the preparation, production, procurement, and distribution of printed and duplicated materials, and the acquisition of copying and printing equipment. (Will eventually be incorporated into the IRM Manual series.)

Intended users: administrative officers, public information officers, procurement officers, printing officers, and editors.

Responsible office: Office of Information Resources Management, (OIRM), ASMB, OS.

PUBLIC AFFAIRS MANAGEMENT MANUAL sets forth policies covering the production and distribution of publications, audiovisuals, the setting up of exhibits and the review of public affairs services contracts. The manual also defines responsibility for public affairs planning, evaluation, financial accountability, staff development and for implementing the Freedom of Information and Privacy Acts, and it sets forth the requirements related to the operating of **HHS** clearinghouses and information centers.

Intended users: personnel engaged in the preparation and/or mass dissemination of information to either internal or external audiences or both.

Responsible office: Office of Assistant Secretary for **Public Affairs (ASPA)**, OS.

RECORDS MANAGEMENT MANUAL contains policies, procedures, and standards for the creation, use, maintenance, and disposition of **records** as prescribed by the Federal Records Act of 1950, as amended. It also contains the General Records Schedules promulgated by the National Archives and Records Service. These schedules prescribe retention periods for the official records of the Department. (Will eventually be incorporated into the IRM Manual Series.)

Intended users: records officers, files custodians, and others concerned with the management of records.

Responsible office: Office of Information Resources Management (**OIRM**), **ASMB**, OS.

SAFETY MANAGEMENT MANUAL sets forth the objectives, **policies**, standards, procedures, and responsibilities for the development and implementation of a Department-wide safety and occupational health program. The program meets the requirements of 29 U.S.C. 668 (**The Occupational Safety and Health Act of 1970**); Executive Order 12196; Title 29 CFR Part 1960 and 5 U.S.C. 7902.

Intended users: management officials at all levels, safety and occupational health managers, and other employees and **consultants** whose duties relate to safety and occupational health.

Responsible office: Office of Management and Acquisition (**OMAC**), **ASMB**, OS.

TELECOMMUNICATIONS MANAGEMENT MANUAL serves as the single authoritative reference for policies, procedures, regulations, and delegations of authority pertaining to the management of telecommunications services and facilities in the Department. Its format differs from **the regular format of the HHS Staff Manual System** and is based **on** the format of the Federal Property Management Regulations, issued by the General Services Administration (See Title 41 Code of Federal Regulations, Chapter 101). This manual is being revised and will eventually be incorporated into the IRM Manual Series.

Intended users: telecommunication management officials and designated officials assigned telecommunication management responsibility **as** an adjunct to their primary responsibility.

Responsible office: Office of Information Resources Management (OIRM), **ASMB**, OS.

TRAVEL MANUAL covers such matters as travel orders; passenger travel and expenses; per diem **in lieu of** subsistence; transportation of dependents, household goods, and personal effects; foreign travel; and similar items relating to the travel and transportation of government personnel. The **manual contains** excerpts from laws and regulations which affect travel and addresses such related subjects as advance of funds, attendance at meetings, **and** disposal of travel records.

Intended users: personnel who provide travel service, approve travel or related functions, or audit travel expenses.

Responsible office: Office of Finance (OF), **ASMB**, OS.

VOUCHER EXAMINATION MANUAL covers policies and procedures for performing the audit of vouchers related to the expenditure of funds appropriated directly to the Department or expended **by the** Department on behalf of other Federal agencies. Its coverage includes instructions on regulatory materials which govern administrative audits, types **of** expenditures requiring audit, collection and refunds, certification of payments by designated officers, records of expenditures, post audit by General Accounting Office, and preparation of related documents.

Intended users: personnel concerned with voucher audit of funds expended by the Department and its component organizations.

Responsible office: Office of Finance (OF), **ASMB**, OS.

STRUCTURE OF EMS STAFF MANUALS

The recommended structure for most staff manuals is outlined below.

Introduction states the purpose of the manual.

plan of the Manual summarizes contents of the manual, explains structure of the manual, and tells how manual material is developed, identified, maintained, and distributed.

Contents list title and number of each part and each chapter of the manual.

Index tells where in the manual specific subjects or topics are discussed.

parts are the main subdivisions of the manual. Each part except the first is limited to **one** subject or topic. The first part is a "general" part and treats several topics.

Chapters and Circulars are the chief subdivisions of parts and the **basic directives** of the HHS Staff Manual system. Chapters contain material of a continuing nature, while circulars contain material of a temporary nature.

Exhibits are attachments to chapters and circulars.

Check List of Transmittal allows each office to **keep a** record of all transmittals it has received for the manual.

Transmittals provide a record of the material issued, revised **or** cancelled in the manual.

If a staff manual varies from this structure, the plan of the manual or part one of the manual should explain the variance.

GUIDELINES FOR WRITING DIRECTIVES (CHAPTERS)
FOR **THE HHS STAFF MANUAL SYSTEM**

1. Keep your audience in mind. Write specifically for it.
2. Keep your directive brief and concise. Use simple words With clear meanings.. Keep average number of words per sentence under 20.
3. Use the active voice. Use gender neutral terms.
4. Use short, descriptive headings for subdivisions.
5. State purpose of your directive in the first section.
6. State authority for your directive in the first **or** second section.
7. Where feasible, cross reference your directive to material Within the same manual, to other manuals of the Department Staff Manual System, and to directives outside the system.
- a. Define any unusual or complex term the first **time you** use it.
9. Identify abbreviations and acronyms the first time you use them.
10. Identify each form by its number and title the first time you refer to it. Thereafter, identify it by its number only.
11. Identify each exhibit (by name and number) in the text of its parent chapter or circular.
12. Use examples or illustrations, where feasible, to improve understanding.
13. Do not include lengthy laws, executive orders, **or** other regulations as attachments to your directive if they are available to employees from other sources. State where they may be found.

GUIDELINES FOR WRITING DIRECTIVES (CHAPTERS)
FOR THE HHS STAFF MANUAL SYSTEM (con't)

14. Review your directive from **the user's** point of view after you have completed it. Do you think it tells the user everything he/she need6 to know?
15. Proofread final copy for errors and omissions before it goes to the printer.

GUIDELINES FOR PREPARING AND PROCESSING DIRECTIVES (CHAPTERS)
FOR THE HHS STAFF MANUAL SYSTEM

1. **FORMAT.** Use the formats shown in this exhibit for preparing chapters, circulars, exhibits, and transmittals. (In the Personnel Manual, chapters are called instructions.)
2. **NUMBERING.** Use the numbering systems described in the illustrations of this exhibit to number the four types of directives. In addition, whenever a directive receives limited distribution within the issuing organization, add a distribution prefix to its number. The standard prefixes are: h-headquarters, r-regional office, f-field. Examples of their use are as follows:
 - o chapter - **HHS** Chapter h:1-00; PHS Chapter **hf:3-60**;
SSA Chapter **f:7-40**
 - o circular - **HHS** Circular **r:4-90.2**; **OHDS** Circular
hr:6-130.1
 - o exhibit - **HHS** Exhibit h:1-00-A; OS Exhibit **hr:4-70-B**
 - o transmittal - **HHS** Transmittal **hr:90.01**, PHS Transmittal
rf:90.01.
3. **DRAFT COPIES.** Prepare draft copies of each directive in the formats shown in this exhibit. **Type** or stamp the word "**Draft**" and date of preparation in upper right corner of first page only.
4. **REVIEW.** Send draft **copy** simultaneously to each reviewing office. Indicate time limit of review on memorandum **or** route **slip**.
5. **FINAL COPY.** Prepare final copy of each directive in formats shown in this exhibit. Always maintain a record of the final document for your files.
6. **CLEARANCE.** Have each concurring official respond in writing as a permanent record for your files.
7. **TRANSMITTAL DOCUMENTS.** Use transmittals to transmit and distribute chapters. Do not use transmittals with circulars since the transmittal information and the reason for issuing the circular **appear** on first page of circulars.

**GUIDELINES FOR PREPARING AND PROCESSING DIRECTIVES (CHAPTERS)
FOR THE HHS STAFF MANUAL SYSTEM (con' t)**

8. **BACK-UP FILES.** If your office is in the Office of the Secretary, keep the following records on each directive your office prepares:
 - a. Copy of final directive.
 - b. Drafts circulated for comments.
 - c. Comments received about circulated drafts;
 - d. Any special document (e.g., briefing memorandum to approving official).
9. **PRINTING AND DISTRIBUTION.** Send original and two dummy copies for printing and distribution to the HHS Staff Manual Coordinator, OMAC. Also include a completed HHS-26 form, Request for Printing and Visual Services.

FORMAT FOR MANUAL CHAPTERS - FIRST PAGE

BBS Chapter 0-00
General Administration Manual
HHS Transmittal 00.00 (0/00/00)

Page 1.

Subject: **PREPARING MANUAL CHAPTERS**

0-00-00 Purpose
10 **Preparing the First Page**
20 **Preparing All Other Pages**
30 **Numbering Manual Chapters**

0-00-10NG THE F I R S T PAGE

- A. **Typo first page on plain, white, 8 1/2" x 11" paper;**
follow format *shown* on this page.
- B. **Maintain left and right side margins of one inch.**
- C. **Begin typing heading six lines from top of page. Include:**
 - **chapter number**
 - **title of manual**
 - **transmittal number & issue date (month, day, year)**
- D. **Type page number opposite chapter number.**
- E. **Three lines below heading, type Subject: and chapter title; typing the title in capital letters.**
- F. **Three lines below subject line, typo number and title of section of chapter.**
- G. **Three lines below section listing, begin typing chapter text. Follow these rules when typing text:**
 - 1. **Use block paragraphs. Double space between all sections and subdivisions.**
 - 2. **Begin each section at the last margin; 811 other subdivisions, as shown in Section 0-00-30).**
 - 3. **Always underline number of each section. Typo each section title in capital letters.**
 - 4. **End text six typing lines from bottom of page.**

FORMAT FOR **MANUAL** CHAPTERS • ALL OTHER PAGES

HHS Chapter 0-00
General Administration Manual
HHS Transmittal 00.00 (0/00/00)

Page 2

PREPARING ALL OTHER PAGES

- A. Type all other pages on plain, white, 8 1/2" x 11' paper; follow format shown on this page.
- B. Maintain left and right side margins of one-inch.
- C. Begin typing heading six lines from top of page. Include:
 - chapter number
 - title of manual
 - transmittal number & issue date (month, day, year)
- D. Type page number opposite chapter number.
- t. Three lines below heading, continue typing chapter text. Follow rules for typing text as stated on page 1, (Subsection 0-00-100).

0-00-30 NUMBERING MANUAL CHAPTERS

- A. Use this numbering system for all manuals except as noted below
 - 0-00 (chapters)
 - 0-00-00 (sections)
 - A. (subsections)
 - 1. (paragraphs)
 - (8) (items)
 - (1) (subitems)

FORMAT FOR MANUAL CHAPTERS - ALL OTHER PAGES (con't)

BBS Chapter 0-00
General Administration Manual
HHS Transmittal 00.00 (0/00/00)

Page 2

Note: The Materiel Management, HHS Acquisition Regulations, and the Telecommunications Management Manuals use different numbering systems. See Introductions of these manuals.

- B. Number chapters of each part consecutively in multiples of five or ten (e.g., 0-05, 0-10, 0-15, etc.; or, 0-00, 0-10, 0-30, etc.).

FORMAT FOR MANUAL CIRCULARS - FIRST PAGE

HHS Circular 0-00 .0
General Administration Manual
Issue date: 00/00/00

Page 1

Subject: PREPARING MANUAL CIRCULARS

- A. Type circulars on plain, white, 8 1/2" x 11" paper.
- B. Use format shown here. Use other formats for the text only if they better serve your purpose.
- C. Maintain left and right side margins of one inch.
- D. Begin typing heading six lines from top of page.
Include:

- circular number
- title of manual
- issue date (month, day, year)

Circular number contains initials of issuing organization (i.e., HHS, PHS, SSA, NIH, etc.); the number of the relevant chapter; a distribution prefix if necessary (see Section 2, Page 1 of this appendix); and a sequential number assigned by the directives control person in the issuing organization.

- E. Type page number opposite circular number on all pages.
- F. Three lines below heading, type Subject: and title of circular; typing the title in capital letters.
- G. Three lines below subject line, begin typing circular text; using block paragraphs. Double space, or one and a half space between all subdivisions.

FORMAT FOR MANUAL CIRCULARS - FIRST PAGE (con't)

HHS Circular O-00.0
General Administration Manual
Issue date: 00/00/00

Page 1

8. **First page only, end text 12 typing lines** from bottom of page.
1. **Type a solid, 1 and 1/2 inch line, nine typing liars** from bottom of page. **Immediately below the line, type** distribution, filing, and cancellation information. **If the circular supersedes another circular, include information below cancellation date.** Your organization's directives control person will assist you with the completion of this information.

Distribution:

Filing Instructions:

Cancellation Date:

Material Superseded:

FORMAT FOR MANUAL CIRCULARS - ALL OTHER PAGES

HHS Circular O-00.0
General Administration Manual
Issue date: (00/00/00)

Page 2

J. On 811 other pages, type heading beginning at left margin, six lines from top of page. Include:

-- circular number
-- title of manual
-- issue date (month, day, year)

Always type heading on left side of page.

K. Type page number opposite circular number. .

L. Three lines below heading, continue typing text.

M. Stop typing text about six typing lines from bottom of page. Provide enough space on last page for signature of approving official.

N. Six lines below last line of text beginning at center on last page of circular, type name and title of approving official.

(name and title of approving official)

!

FORMAT FOR MANUAL EXHIBITS

BBS Exhibit 0-00-A
General Administration Manual
BBS Transmittal 00.00 (00/00/00)

Page 1

PREPARING MANUAL EXHIBITS

Manual exhibits have no definite format. The material they contain is to be displayed so that it fulfills the needs of the users. Hence, the preparing office must decide the format it will use. However, observe the following guidelines when preparing exhibits:

- A. Prepare exhibits on plain, white, a 1/2" x 11" paper.**
- B. Maintain left and right margins of one inch.**
- C. Number exhibit by adding a capital letter to chapter or circular number. The first exhibit to Chapter 4-70 would be numbered Exhibit 4-70-A; the second, Exhibit 4-70-B; and so on. The first exhibit to Circular (L-70.1) would be numbered Exhibit 4-70.1-b.**
- D. Identify each page of the exhibit with exhibit number, title of manual, transmittal number (calendar year and sequential number--use only with chapters), and issue date (month, day, year). Put this information in same location on each page.**
- E. Number each page.**
- F. Identify each exhibit (by name and number) in the tract of its parent chapter or circular.**
- G. Consult with the HHS Staff Manual Coordinator if you wish to use oversized originals to prepare exhibits.**

EXAMPLE OF TRANSMITTAL FORMAT

HHS TRANSMITTAL 00.00
General Administration Manual
Issue date: 0/00/00

Page 1

Material transmitted

**Chapter 1-20, Use of Department and Operating
Division Seals (pages 1-3).**
Chapter 1-40, Conference Management (pages 1 and 2).
Chapter 8-69, Standard Administrative Code (pages 1-11).

Material superseded

Chapter 1-20 (pages 1-4: 68.17, 76.1 and 74.10).
Chapter 8-69 (pages 1-15: 76.11).
Circular 1-20.2 (pages 1-S).

Background

**Chapter 1-20 updates organization nomenclature previously
included in Circular 1-20.2; deletes reference to HEW
Forms 366 and 348A since they are obsolete; and transmits
recent delegations by the Secretary and the Assistant
Secretary for Management and Budget (ASMB) to certify
true copies of documents.**

**Chapter 1-40, a new chapter, reflects the recent decision
of the ASMB to exclude "advisory committees," as defined
by the Federal Advisory Committee Act, from the
requirements of this chapter.**

**Chapter 8-69 incorporates codes for new or redesignated
organizations and makes several minor editorial changes.
The principal code conventions remain unchanged.**

EXAMPLE OF TRANSMITTAL FORMAT (con't)

HHS TRANSMITTAL 00.00
General Administration Manual
Issue date: 0/00/00

Page 1

Filing instructions

Remove superseded material; replace it with the new material.
Change Table of Contents in the General Administration
Manual to reflect the changes to chapter titles. Post
receipt of this transmittal to the HHS Check List of
Transmittals *and file this transmittal in sequential order*
after the check list.

James R. Murphy, Director
Office of Management Directives

Distribution: MS:HRFC-124

INSTRUCTIONS FOR PREPARING TRANSMITTALS

1. Use format shown in example on page 10.
2. Type transmittal on plain, white, 8 1/2" x 11" paper.
3. Maintain a left and right side margins of one inch.
4. Type heading, beginning six lines from top of page. Include transmittal number, title of manual, and issue date. Use same heading on each page.
5. Type page number opposite transmittal number.
6. Three lines below heading, begin typing the four sections of text material described here using block paragraphs. Underline section headings; double space between sections.

Material transmitted

Identify each chapter and exhibit to be transmitted. Include number, title and page numbers of each.

Material superseded or cancelled

Identify each chapter, circular, exhibit, etc., to be superseded or cancelled. Include number, page numbers, and transmittal number(s) of each.

Background

Explain the reasons for issuing the transmitted material. Be specific.

Filing instructions

Tell each user what to do with the transmitted material, the superseded and/or the cancelled material upon receipt of the transmittal.

7. On the last page of the transmittal, beginning six lines below the last line of text and centered, type the name and title of approving official.
8. On first page only, type "Distribution:" at left margin six lines from bottom of page. Your directives distribution coordinator will add the information on distribution.

HOW TO ORDER MANUALS AND INDIVIDUAL DIRECTIVES

A. Ordering Manuals and Individual Directives

1. Using the **HHS-68** form, Request for **Staff Manual Materials and Mailing List Changes**, order staff manuals and copies of individual directives from your Directives Distribution Coordinator. See Exhibit 1-00-F for a listing of coordinators.
2. Complete the requested information; affix your signature as **requestor**. Obtain the approval and signature of your office head and administrative officer; and, send the **form** to your Directives Distribution Coordinator.
3. With completion and submission of the **HHS-68** form through your Directives Distribution Coordinator, your name and address will be **added to the** mailing list to receive updates.

B. Mailing List Changes

Report each change in your mailing **address** to your Directives Distribution Coordinator to ensure continued receipt of updates. Use the **HHS-68** form to **do this**.

DIRECTIVE 8 DISTRIBUTION COORDINATORS

HEADQUARTERS

ACE

Management Services Branch
4th Floor West/Aerospace Bldg.
370 **L'Enfant** Promenade, S.W.
Washington, DC 20201
Attention: Vanita Reynolds
Telephone: 202-401-5586
FTS 441-5586

AoA

Administrative Officer, **AoA**
Room 4652, Wilbur **J. Cohen** Bldg.
300 Independence Avenue, S.W.
Washington, DC 20447
Attention: James Duffy
Telephone: 202-619-0641
FTS 269-0641

HCFA

Production and Distribution Branch,
Division Communications Services
Room 555, **East** High Rise Bldg.
6325 Security Boulevard
Baltimore, MD 21207
Attention: Priscilla Thomas
Telephone: 301-966-7853
FTS 646-7853

OS

HHS Staff Manual Coordinator
Room 4724 Wilbur **J. Cohen** Bldg.
330 Independence Avenue, S.W.
Washington, DC 20201
Attention: Geerie Jones
Telephone: 202-619-0511
FTS 269-0511

PHS

Printing and Reproduction
Management Branch, **PHS**
Parklawn Services Center
Room **3B26 Parklawn** Bldg.
5600 Fishers Lane
Rockville, MD 20857
Attention: George Allen
Telephone: 301-443-6740

SSA

Design and Development Branch
Division Publications Management
Room 1-B-19, Operations Bldg.
6401 Security Boulevard
Baltimore, MD 21235
Attention: Maureen Kubolcif
Telephone: 301-965-4128
FTS 625-4128

OS Regional Office8 (continued)

Region VII

Division Administrative Services,
RASC, HHS
601 E.12th Street, Room 206
Kansas City, MO 64106
Attention: Maud Thomas
Telephone: FTS 867-3536

Region IX

Division Administrative Services
RASC, HHS
Service Systems Support Branch
50 United Nations Plaza, Room 8
San Francisco, CA 94102
Attention: Barbara Chase
Telephone: FTS 556-7134

Region VIII

Division Administrative Services,
RASC, HHS
Federal Office Bldg., Room 1185
1961 Stout Street
Denver, CO 80294
Attention: Richard C. Mohn
Telephone: FTS 564-5568

Region X

Division Administrative Services
RASC, HHS
2201 Sixth Avenue, MS/RX07
Seattle, WA 98121
Attention: Paula Nelson
Telephone: FTS 399-4306

DIRECTIVES DISTRIBUTION COORDINATORS

08 REGIONAL OFFICES

Region I

Division Administrative Services,
RASC, HHS
JFK Federal Bldg., Room 2411
Boston, MA 02203
Attention: Lorrain Long
Telephone: **FTS 835-1500**

Region II

Division Administrative Services,
RASC, HHS
26 Federal Plaza, Room 41-122
New York, NY 10278
Attention: Cathy Sullivan
Telephone: **FTS 264-5756**

Region III

Division Administrative Services,
RASC, HHS
Room 11020, Mail Stop 03
3535 Market Street
Philadelphia, PA 19101
Attention: Robert Heath
Telephone: **FTS 596-6460**

Region IV

Division Administrative Services
RASC, HHS
101 Marietta Tower
Atlanta, GA 30323
Attention: John Jordan
Telephone: **FTS 841-2471**

Region V

Division Administrative Services,
RASC, HHS
105 W. Adams Street, 22nd Floor
Chicago, IL 60603
Attention: Roosevelt Anderson
Telephone: **FTS 353-6789**

Region VI

Division Administrative Services,
RASC, HHS
1200 Main Tower Bldg., Room 1290
Dallas, TX 75202
Attention: Sonja Osborne
Telephone: **FTS 729-3221**

HHS Chapter 1-05
General- Administration Manual
HHS Transmittal 80.8 (11/26/80)

Subject: Secretarial Directives

1-05-00	Purpose
10	Scope
20	Requirement to Receive
30	Format
40	Numbering
50	Initiation
60	Executive Review
70	Distribution
80	Inclusion Into HHS Staff Manual System
90	References
100	Maintenance
110	Mailing List Changes
120	Copies of Active Directives

1-05-00 PURPOSE

Secretarial Directives define current administrative policies of the Secretary and the Under Secretary. This chapter ~~describes the~~ scope of the directives, illustrates their format, explains how they originate, and prescribes their distribution and their inclusion into the HHS Staff Manual System. (See Chapter 1-00, General Administration Manual, for information on the system.)

1-05-10 SCOPE

The Secretary and the Under Secretary use Secretarial Directives to issue policies and instructions on administrative matters that are Departmentwide in scope and permanent *in* nature (e.g., they are likely to remain in effect for six months or more).

1-05-20 REQUIREMENT TO RECEIVE

The head of each HHS organization through division level (e.g., component, office, bureau, institute, division) is required to receive and maintain Secretarial Directives.

1-05-30 FORMAT

Exhibit 1-05-A illustrates the format of Secretarial Directives.

1-05-40 NUMBERING

Secretarial Directives are serially numbered by calendar year, such as 80-01, 80-02, 80-03, etc. The OS Executive Secretariat numbers the directives.

1-05-50 INITIATION

Whenever an HHS component or office prepares a decision package for the Secretary which is likely to result in a Secretarial Directive, it should prepare the directive in the prescribed format and include it in the decision package. If the component or office questions whether or not it should include such a directive, it should consult with the OS Executive Secretariat.

1-05-60 EXECUTIVE REVIEW

The OS Executive Secretariat coordinates the review of each directive with concerned officials, and recommends a **course** of action on the directive to the Secretary or the Under Secretary.

1-05-70 DISTRIBUTION

- A. After the Secretary or the Under Secretary approves the directive, the OS Executive Secretariat makes the initial distribution to the addressees listed on the directive and delivers a copy to the Office of Management Analysis and Systems, ASMB.
- B. The Office of Management Analysis and Systems, **ASMB**, **coordinates** the distribution of each directive to the heads of **all HHS** organizations through division level.
- C. Each POC and OS office may make any further distribution (e.g., deputy heads of organization through division level, branch chiefs, **section chiefs**, etc.) that it deems essential.

1-05-80 INCLUSION INTO HHS **STAFF MANUAL** SYSTEM

The substance of each Secretarial Directive is to be included into HHS Staff Manual System not later than three months after its approval. The Assistant Secretary for Management and Budget determines the appropriate staff manual in which to issue the directive and monitors the inclusion of the directive into the appropriate **manual**.

1-05-90 REFERENCES'

The Office of Management Analysis and Systems, ASMB, prepares and distributes to each HHS manager who is required to **receive** and maintain Secretarial Directives the following references each January and July:

- o Subject Index
- o Listing of Active Directives--which identifies each active directive and the staff manual into which it has been or will be incorporated

1-05-100 MAINTENANCE

Each HHS manager who is required to receive and maintain Secretarial Directives should maintain them and the references in a binder as follows:

- o Listing of Active Directives
- o Subject Index
- o Active Directives (in sequential order)

1-05-110 MAILING LIST CHANGES

Each HHS manager through division level is responsible for reporting to **his/her** Directives Distribution Coordinator any change to his/her mailing address so **that he/she can** continue to receive Secretarial Directives. (See Exhibit **1-00-G, General Administration Manual**, for listing of coordinators.)

1-05-120 COPIES OF ACTIVE DIRECTIVES

HHS managers may obtain copies of active directives from the Printed Media Unit, OS Office of Management Services, Room G-322, Switzer Building, 3rd and C Streets, S.W., Washington, D. C. 20201.

HHS Exhibit **1-05-A, Format** of Secretarial Directives
General Administration Manual
HHS Transmittal 80.8 (**11/26/80**)

THE SECRETARY OF HEALTH AND HUMAN SERVICES

SECRETARIAL DIRECTIVE 80-01

DATE :

FOR: _____

SUBJECT:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Page 2 • Secretarial Directive 80-01

(Name of Secretary)

CHAPTER 1-20

USE OF DEPARTMENT AND PRINCIPAL OPERATING COMPONENT SEALS

1-20-00 Purpose and Scope

- 10 General Policy
- 20 Department Seal
- 30 Public Health Service Seal
- 40 Retired Seals

1-20-00 PURPOSE AND SCOPE

This chapter provides policies and procedures concerning the use Of the Department and Public Health Service seals. It does not apply to the use of flags and uniforms on which replicas of the seals have already been affixed.

I-20-10 GENERAL POLICY

- A. The Department and Public Health Service seals shall be used only as provided in this chapter, **unless** an exception has been granted **by** the Assistant Secretary for Management and Budget. Requests for such exceptions must show that the intended **use** of the seals is in the best interests of the Department.
- B. No other principal operating component seal shall be adopted, **and the use** of existing seals shall **be** limited as indicated in this Chapter.

1-20-20 DEPARTMENT SEAL

- A. Legal Authority. The Secretary, Department of Health, Education, and Welfare is authorized to adopt an official seal by 42 U.S.C. 3505. The Department seal was approved by the President by Executive Order 10510 of **December 17, 1953**. The following is the Department Seal:



- B. Description of Seal. E.O. 10510 describes the Department Seal in heraldic terms as follows:

SHIELD: Argent an open book with sanguine binding charged overall with a staff of Aesculapius paleways within an annulet of chain all proper.

CREST: On a wreath argent and sanguine an American bald eagle displayed and wings partially inverted proper.

Below the shield a white scroll inscribed with the motto "SPES ANCHORA VITAE" in black letters, all on a circular sanguine background within a white band, inner edge white, outer edge sanguine, and inscribed "DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE U.S.A."

- C. Custody of the Seal. One official seal of the Department, including the die and the press, shall remain in the custody of the Director, Office of Management Services, Office of the Secretary. Duplicate seals, including dies and presses, shall remain in the custody of those officials designated in Exhibit X1-20-2 and their delegates. Department seal presses shall be locked when not in use.

D. Use of the Seal

1. The Department seal may be used to certify that a document is a true copy of a document on file in the Department and it may also be used on agreements, awards, citations, diplomas, and similar documents.
2. When an authorized official certifies a document to be a true copy of a document on file in the Department, he or she shall do so by causing the impression of the Department seal to be affixed to a "certification" form which shall be the top cover sheet of the copy being certified. Form HEW-347 (see Exhibit X1-20-1) has been designated for this purpose.
3. Documents shall be appropriately signed before being presented for impression.
4. Each authorized official and his or her delegates shall furnish to the supervisor of the activity having custody of their seal, a specimen of their signature.

- E. Use of Facsimiles of the Department Seal. A facsimile of the Department Seal may be used: (1) to embellish publications or other informational media, (2) to embellish administrative

media, forms, and stationery, or (3) otherwise as an embellishment. On publications and other public information materials, the Office of Assistant Secretary for Public Affairs shall determine whether proposed use of seals is proper.

1-20-30 PUBLIC HEALTH SERVICE SEAL

- A. Authority. The Public Health Service Seal was adopted administratively prior to the Department Seal. Limited use of this seal is still authorized in accordance with established custom. New uses of this seal are not authorized in the interest of establishing the Department Seal as the official insignia of the Department and its principal operating components. The following is the Public Health Service Seal:



- B. Use of the Official Seal. The Public Health Service Seal may be impressed on certificates of sanitation, foreign quarantine immunization certificates, and certificates designed exclusively for the Commissioned Corps, provided they also bear the name of the Department.
- C. Use of Facsimiles of the Public Health Service Seal. Facsimiles of the Public Health Service Seal may be used on agency-level awards certificates and on certificates, recruitment literature and exhibits developed for the Commissioned Corps. It may also be used on foreign quarantine immunization certificates and national health survey program forms which are given to the public, provided all of these bear the name of the Department. Facsimiles of the Public Health Service Seal shall not be used on stationery or forms other than those specified.

1-20-40 RETIRED SEALS

The seals of the Office of Education and the Social Security Administration have been retired and their use is no longer authorized.

UNITED STATES OF AMERICA

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CERTIFICATION OF TRUE COPY

Pursuant to the provisions of 42 U.S.C. 3505 and
the authority vested in me by delegation from the Secretary
(F.R.), I hereby certify that the annexed are true
copies of the documents on file in the Department of
Health, Education, and Welfare.

IN WITNESS WHEREOF, I have hereunto set my
hand and caused the seal of the Department of Health,
Education, and Welfare to be affixed.

on this _____ day of
_____, 19 ____.

43 FR 58870-71, 12/18/78

Office of the SecretaryASSISTANT SECRETARY **FOR MANAGEMENT
AND BUDGET****Delegation of Authority To Certify True Copies
and Affix the Department Seal**

By the authority vested in me as Secretary, I hereby delegate to the Assistant Secretary for Management and Budget the authority to: Certify true copies of **any** books, records, papers, or other documents on **file** within the Department; or extracts from such; certify that copies are true copies of the entire **file** of the **Department**; **certify** the complete, original **record**; **certify** the **nonexistence** of records on **file** within the Department; and cause the seal of the Department **to be affixed** to such certifications.

I also delegate to the Assistant Secretary for Management and Budget authority to cause the seal of the Department to be affixed to agreements, awards, citations, diplomas and similar documents.

This delegation supersedes the previous delegation of this authority approved by the Secretary on October 22, 1969 and published at 34 FR 17346, October 25, 1969. Redelegation under the previous authority shall remain in effect until superseded by new delegations.

This delegation is effective immediately and **may be redelegated**.

Dated: November 2, 1978.

**JOSEPH A. CALIFANO, Jr.,
Secretary.**

[FR Doc. 78-35076 Wed 12-15-78; 8:45 am]

44 FR 1473, 1/5/79

**REDELEGATION OF AUTHORITY TO CERTIFY
TRUE COPIES**

NOTE.—This document is republished with corrections, from the Issue of Monday, December 18, 1978, page 58871.

Under the authority vested in me by the **Secretary**:

1. I hereby redelegate to the **following the authority** to certify true copies of **any** books, records, papers, or other documents on file within the **Department**, or extracts from **such**, to **certify** that true **copies** are true copies of the entire **file** of the **Department**, to **certify** the complete original record or to **certify** the nonexistence of records on **file within** the Department, and to cause the Seal of the **Department** to be **affixed** to such certifications.

These same officials are authorized to -- the Seal to be Affixed to **agreements, awards citations, diplomas, and** similar documents.

44 FR 1473, 1/5/79

To whom delegated	Area of authority
General Counsel	Department
Director, Office of Management Services.	Office of the Secretary
Office of the Secretary.	
Administrator, Health Care Financing Administration.	Health Care Financing Administration
Assistant Secretary for Education.	Education Division
Commissioner of Social Security.	Social Security Administration
Assistant Secretary for Human Development Services.	Office of Human Development Services
Assistant Secretary for Health.	Public Health Service
Director, Office of Child Support Enforcement.	Office of Child Support Enforcement

This authority may be redelegated.

2. I also redelegate to the Civil Rights Hearing Clerk, Office of the Assistant Secretary or Personnel Administration, the authority as official custodian of the files in all matters pertaining to compliance proceedings under Title VI of the Civil Rights Act and as such custodian the authority to **certify** true copies of **any books, records, papers, or** other documents of the Department pertaining to such matters and to **certify** extracts from **any such books, records, papers, or** other documents on **file** within the Department **as** true extracts and to **certify** that true copies are true copies of the entire file of the Department in **any such** matters, and to cause the **Seal** of the Department to be affixed to such certifications. This authority may not be **redelegated**.

3. The above **redelegations** supersede the redelegations made under previous authority (34 FR 18049-50 dated 11/7/89 and 35 FR 16384, dated 10/20/70). Further redelegations made under the aforementioned redelegation of authority shall remain in effect until **appropriate** new redelegations are made.

Dated: December 1, 1978.

**FREDERICK M. BOHEN.,
Assistant Secretary**

for Management and Budget

[FR Doc. 78-35077 Filed 12-15-78; 8:45 am]

VISITS TO REGIONAL OFFICES AND FIELD INSTALLATIONS

1-45-00 Purpose
10 Scheduling Field Visits

1-45-00 PURPOSE

This chapter provides a single reference point for information relating to scheduling visits to field installations.

1-45-10 SCHEDULING FIELD VISITS

- A. Requirements. In order to permit scheduling which will best serve the visitor and regional office personnel, advance notification of the following are to be communicated to the regional office concerned:
1. Contemplated visits by headquarters personnel to a regional office, a State or local agency, or a field station or activity under the supervision of a regional office.
 2. Contemplated visits by principal staff of the Office of the Secretary or by heads of Principal Operating Components or their major subunits to a field station or activity not under supervision of a regional office. (Notification of visits by other personnel to such points is not required.)
 3. Any changes in previously announced plans.
- B. Procedure
1. Headquarters Staff: Direct memorandum or telegram a week in-advance of proposed visit, where possible, to appropriate member of regional office staff. Include in memorandum or telegram such information as dates of visit, hotel, itinerary within region, and similar information about the visit. Furnish copy of each such communication to the Office of Regional Liaison, Office of the Secretary.
 2. Regional Office Staff: Advise Regional Director, as appropriate, of contemplated visits of headquarters personnel.

CHAPTER 1-50
NOTARIES PUBLIC -- OFFICIAL BUSINESS

- X-50-00 Purpose and Authority
 - 10 Standards
 - 20 Allowances
 - 30 Procedure
 - 40 Designation of Notaries Public

1-50-00 PURPOSE AND AUTHORITY

- A. Purpose. This Chapter states the criteria to be used in requiring civilian officers and employees to serve as notaries public in the performance of official business, the allowances to be paid them for expenses incurred, and the procedure for obtaining payment.
- B. Legal Basis. The Notaries Public Expense Act of 1965 (PL 681, 84th Cong., **approved 7/11/56**) provides that civilian officers and employees of the **departments** and establishments of the Federal Government who are required to serve as notaries public in connection with the **performance of official** business shall be paid an allowance to be established by the **department** or establishment concerned, not to exceed the expense required to be incurred by them in order to obtain their commission.

1-50-10 STANDARDS

A. Amount and Accessibility of Notarial Services

Officers or employees of the department will serve as notaries public for the performance of official business.

B. Selection of Notaries. To the extent practicable, individuals should be selected from among personnel:

1. Who are centrally located and would usually be available to provide service.
2. Whose regular assignments and workloads would not be adversely affected by recurring interruptions involved in providing service.
3. **Who** have knowledge of, or could readily orient themselves to, the format of a wide variety of legal documents.

1-50-20 ALLOWANCES

On or after January 1, 3.955, each officer or employee who is required to serve as a notary public and obtains his commission shall be

reimbursed for the actual expenses required to obtain or renew his **commission, including fee, bond** (when required), and the minimum amount necessary to obtain a satisfactory seal and stamp when such reimbursement is claimed as provided in 1-50-30 below.

Note: Executive Order 977 (November 24, 1908) prohibits charge for notarial services during working hours.

1-50-30 PROCEDURE

A. Notification of Commission. It is the responsibility of any person required to **serve** as notary for official **business** who does not have a current valid commission to file the **necessary** application with the clerk or other official responsible for processing commissions in the local jurisdiction. Each such officer or employee shall notify the officer who designated him, by memorandum, in two copies, whether he has obtained the necessary commission, and (if so) of its effective date and date of expiration. The designating officer will **forward** one copy of the memorandum reporting the commission to the appropriate fiscal office with a notation as to the appropriation to be charged with the allowances. This will ordinarily be the **appropriation** currently available for general expenses of the program for which the major portion of the services are performed.

B. Claim for Reimbursement

1. Each officer or employee who has been designated and has obtained his commission shall certify an itemized claim for actual expenses which he was required to incur to obtain or renew his **commission**, on or after January 1, 1955, on SF-1129 (original and two carbon copies) and shall execute the following certification on the back of the original:

I **hereby** certify that I am and have been since (date) required to serve as a notary public in connection with the performance of official business for the Department of Health, Education, and Welfare. I understand that I am not permitted to charge a fee for notarial services **performed** during working hours.

Employee

2. He shall forward the original and one copy to **the** appropriate fiscal office, together with a copy of his formal **designation** and receipts for each item of **expense** claimed, and **retain** one copy of the voucher for his own records.
3. The fiscal office will process the voucher for payment,

1-50-40 DESIGNATION OF NOTARIES PUBLIC

Heads of **POCs**, Principal Regional Officials, and the Assistant Secretary for Management and Budget for the Office of the Secretary have the authority to designate officers and employees to serve as notaries public when it is determined that such service is required for the facilitation of department business. The area of exercise of this authority is within organizational elements under their direct supervision or in installations where they provide the administrative support. POC heads will not designate notaries public for their regional organizations where the PRO has provided for this service. These officials may redelegate this authority.

Subject: POLICY ON SMOKING IN HHS OCCUPIED BUILDINGS AND FACILITIES

1-60-00	Purpose
10	Background
20	Policy
30	Applicability and Scope
40	Responsibilities
50	Implementation Directives
60	Education and Training
70	Notices and Signs
80	Referral of Questions

1-60-00 PURPOSE

The purpose of this chapter is to provide a Departmentwide policy on smoking in HHS-occupied buildings and facilities. It supersedes General Administration Manual Chapter 1-60, dated January 8, 1978 'Policy on Smoking in HHS-Occupied Buildings..

1-60-10 BACKGROUND

The Department of Health and Human Services is the Federal Government's principal agency for furthering the health of Americans and providing them with essential human services. The health risks of smoking and exposure to smoke are clearly documented by reports of the Surgeon General. This Department accepts the evidence that: involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers; and, the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke. It is therefore essential that the Department, in the accomplishment of its mission, provide a smoke-free environment in all HHS owned and leased building space.

1-60-20 POLICY

The Department's policy is to establish a smoke-free environment in all HHS building space.

HHS Chapter 1-60
General Administration Manual
HHS Transmittal 87.01 (8/25/87)

Implementation of this policy as set forth in section 1-60-50 of this chapter will be achieved through the cooperation, understanding and support of both the operating management of this Department and the Department's employees and employee representatives.

1-60-30 APPLICABILITY AND SCOPE

- A. The provisions of this directive apply to all organizational elements of HHS that occupy HHS owned and HHS leased buildings and facilities.
- B. The provisions of this directive also apply to HHS elements occupying Government owned or leased space which is assigned to HHS elements by GSA, and space obtained on a use permit, or nominal rental or rent-free basis. In multi-tenant buildings, the Departmental policy will apply within the confines of the assigned space over which HHS elements have exclusive custody and control including corridors, rest rooms, cafeterias, stairways and other public space on floors or within blocks of space assigned to HHS elements.
- C. Nothing in these regulations precludes an HHS organizational element from establishing more stringent guidelines.

1-60-40 RESPONSIBILITIES

- A. The Heads of **OPDIVs** (for their headquarters, and field components); Regional Directors (for the space/facilities elements under their direct control); and Director, Office of Administrative and Management Services, OS; are responsible and accountable for implementing the provisions of this chapter as follows:
 - o In HHS occupied buildings, facilities and space, the senior **HHS** official has the responsibility for implementing the Secretary's policy as it relates to space under his or her jurisdiction and control as implemented by his/her appropriate headquarters.

- o In multiple occupancy buildings and facilities the senior HHS official will negotiate with the senior officials of other occupant Government agencies (if any) to insure that, as a minimum, the GSA smoking policy is enforced in non-HHS occupied space in the building. Additionally, the senior HHS official is encouraged to seek adoption of the HHS policy by all occupants in a multiple occupancy building.
- B. Heads of Staff Offices will support the provisions of this policy and assist the Heads of **OPDIVs, RDs** and the Director, Office of Administrative and Management Services, OS, in its implementation. The Assistant Secretary for Management and Budget and Assistant Secretary for Personnel Administration will provide, within their areas of responsibility, training guidance and assistance.
- C. Prior to implementation of this chapter or any provision thereof, the organizational element shall meet its obligation under 5 U.S.C. Chapter 71, as appropriate, where there is an exclusive representative for the employees. In other cases employee consultation should be direct.

1-60-50 IMPLEMENTATION DIRECTIVES

- A. General. HHS officials are directed to implement and enforce the smoking policy through the prohibition of smoking in areas as defined in paragraph 1-60-30.
- B. Implementation of this policy is to be achieved:
 - o immediately in building areas where separate ventilation (single-pass air handling system) does not exist, and
 - o no later than six months from the date of this issuance for space which can serve as temporary designated smoking areas (space which has pre-existing single pass **air** ventilation such as most restrooms), to allow a fixed but reasonable time for training and transition.

- o consistent with the requirements of 5 USC Chapter 71 and provisions of negotiated agreements.
- C. The Department recognizes that prior labor/ management agreements can affect the actual realization of a smoke-free environment at various sites and different points of time in the six-month period for transition.

1-60-60 EDUCATION AND TRAINING

The Assistant Secretary for Personnel Administration has issued Departmental guidance covering education, training and related personnel issues (HHS Instruction 792-3, Personnel Manual).

1-60-70 NOTICES AND SIGNS

- A. Notices to Employees. Officials responsible for implementing requirements of this chapter shall inform employees under their jurisdiction in writing of the provisions applicable to them.
- B. Signs
 - o Suitable signs shall be placed on or near entrance doors of buildings or HHS occupied areas subject to these regulations. Signs should be procured and installed in cooperation with the GSA Buildings Manager in buildings managed by GSA. It should not be necessary to display a sign in every room of each building.
 - o In accordance with the Federal Acquisition Regulation, Part 8, the mandatory source of supply for the purchase of the aforementioned signs is UNICOR, Federal Prison Industries, Inc. (FPI). Prior approval from FPI is required before using any other source of **supply**. Purchase Orders should be submitted to: UNICOR, Federal Prisons Industries, Inc., 320 First Street, N. W., Washington, DC 20534, (202) 724-8239.
 - o The accepted international symbol for no smoking may be used as appropriate.

1-60-80 REFERRAL OF QUESTIONS

- A. Questions on these general policy provisions as they affect HHS occupied space and facilities should be referred to the Office of Special Programs Coordination, Office of the Assistant Secretary for Management and Budget (**ASMB**). FTS telephone Number 245-7426
- B. Questions relating to personnel policy matters affected by this regulation shall be referred to the Office of Special Initiatives, Office of the Assistant Secretary for Personnel Administration, telephone number PTS 245-7153.
- C. Technical questions concerning smoking and health, educational materials, or suggested methods of discouraging cigarette smoking in Government buildings, should be referred to the Office on Smoking and Health, Centers for Disease Control, Department of Health and Human Services, Washington, DC 20201; phone (**FTS**) 443-1575 commercial (**301**) 443-157s.

DEPARTMENT OF
HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

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U.S. DEPARTMENT OF H.H.S.

HHS-391



THIRD CLASS

Subject: CLEARANCE OF **PERSONNEL** FOR SEPARATION OR TRANSFER

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30	Policy
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Exhibits

1-90-A	Form HHS-419, Clearance of Employees for Separation or Transfer
1-90-B	Instructions for Completion of Form HHS-419
1-90-c	Sample Installment Repayment Agreement for Transferring Employees
1-90-D	Post-Employment Restrictions Applicable to Former Employees of the Department of Health and Human Services

1-90-00 PURPOSE

This chapter sets forth policy and instructions concerning the clearance of separating or transferring employees.

1-90-10 DEFINITIONS

For purposes of this Chapter, the following definitions apply:

Accountable Property - All personal and real property which is made subject to accountability by appropriate authority. Such property includes that capitalized in the fiscal records of the Department and usually all personal property for which quantitative record control is required to be maintained.

Administrative Officer - An employee whose primary activity consists of providing staff, auxiliary, or administrative services for an organizational unit.

Custodial Officer - An employee designated by an organization to be responsible for the custody of its personal property.

Debt - An amount of money, property and/or advanced leave owed to the Department.

Finance Office - The office responsible for providing **accounting** services to the departing employee's organization.

Salary Offset - A procedure by which payroll may **collect** outstanding employee debt from an employee's salary.

Separating Employee - An employee or officer (including a Commissioned Officer of the Public Health Service) who leaves the employment of the Federal Government.

Servicing Personnel Office (SPO) - The **personnel** Office that handles the processing of personnel actions for the departing employee, and which is responsible for maintaining the employee's Official Personnel Folder.

Transferring Employee - An employee who transfers to another Federal agency, or from one HHS component to another HHS component (i.e., from the jurisdiction of one **HHS** supervisory position to another).

J-90-20 **RESPONSIBILITY FOR DEVELOPING AND MAINTAINING CLEARANCE PROCEDURES**

- A. The following officials are responsible for the development and maintenance of clearance procedures within their agency or offices:
1. The Executive Officer or designee in each Operating Division (OPDIV) for the **OPDIV's** headquarters employees and its field employees not under the jurisdiction of the Regional Finance Offices.
 2. The Regional Director or designee in Regional Offices for all employees under the jurisdiction of the Regional Finance Offices.
 3. The Assistant Secretary for Management and Budget or designee for Office of the Secretary (OS) headquarters employees.

4. The Inspector General ~~or~~ designee for the Office of the Inspector General (OIG) employees.
- B. Officials listed in "A" above, in conjunction with their respective Finance Office, shall review the operation and effectiveness of the clearance procedures within their respective agency or office at least once every three years and shall take immediate action to correct any deficiencies in the procedures.
- C. Officials listed in "A" above shall ensure that supervisors receive appropriate training and shall issue an annual reminder notice to supervisors of their responsibilities pertaining to the clearance procedures.

1-90-30 POLICY

- A. For each separating or transferring employee, the employee's immediate supervisor, with assistance from the organization's administrative officer, is responsible for the following:
 1. Immediately notifying the SPO when the supervisor learns of an impending employee separation or transfer: preparing SF 52, Request for Personnel Action, and submitting it to the SPO in a timely manner.
 2. Preparing Form BBS-419, Clearance of Personnel for Separation or Transfer, Part A (items 1-7) and Part B (items 8-14) in accordance with Exhibit 1-90-A and obtaining appropriate clearances. Item 14 in Part B (Other Clearances) may be used to enter additional clearance requirements. (See Exhibit 1-90-B for instructions.)

For locations which are distant from the clearance offices, the supervisor has the option to complete the appropriate items on the Form BBS-419 through a telephone exit interview with the appropriate clearance officials. Telephone clearances must be annotated on this form with the name of the official contacted, status of each item, and date of clearance.
 3. Ensuring that issues of employee indebtedness to the Department are resolved and that actions taken are noted on Form BBS-419. (Reference: Debt Collection Act of 1982 as implemented by 45 CFR Part 30. Also see Departmental Accounting Manual Chapters 10-30 and 10-41 and HHS Personnel Manual Instruction 550-g.)

a. **Separating from the Federal Government.**

- (1) If the employee is separating from the Federal Government, all outstanding indebtedness must be repaid before separation. Agreements for repayment after separation are not acceptable.
- (2) If the employee has an outstanding debt that is unresolved at the time of separation, the supervisor is responsible for ensuring that the employee's final timecard is not sent to payroll through the normal process. The supervisor will send the timecard and an explanatory memorandum to payroll through the payroll liaison. Payroll will withhold the amount of the debt from the final salary payment and the lump-sum annual leave payment. If necessary, payroll will take other appropriate actions permitted under the Debt Collection Act and other authorities as required, including a request to the Office of Personnel Management (OPM) to withhold the appropriate amount when the employee seeks to withdraw retirement monies. (Procedures for collecting debt from Commissioned Officers are contained in the PHS Commissioned Corps Manual.)
- (3) If indebtedness is discovered after submission of the final timecard, the supervisor must immediately request the payroll liaison to arrange for withholding from the final salary payment, lump-sum annual leave payment and retirement benefits. (Procedures for collecting debt from Commissioned Officers are contained in the PHS Commissioned Corps Manual.)
- (4) If the indebtedness is later cleared by the employee, the supervisor should inform the payroll liaison so that the employee can be paid any amounts withheld.

b. **Transferring to another HHS component.**

- (1) If the employee is transferring to another HHS component and has an outstanding debt, the employee may elect to pay off the debt in full prior to transfer, pay the debt in

installments, or have payroll automatically deduct payments from his/her salary.

Employees must sign an agreement in the case of installment payments (see Exhibit 1-90-C for sample agreement). If an installment agreement or salary offset is already in effect, the employee may continue repayment through this mechanism until the debt is satisfied.

- (2) If the employee has an outstanding debt that is unresolved under b(1) above at the time of transfer, the supervisor will notify the payroll liaison and request initiation of salary offset (see HHS Personnel Manual Instruction 550-9).
- (3) If indebtedness is discovered after the employee has transferred, the SPO will inform the employee's new SPO and request assistance in obtaining resolution from the employee (see HHS Personnel Manual Instruction 550-g). If full payment or a signed agreement for installment payments is not received within 60 days, salary offset is to be initiated.

C. Transferring to another Federal Agency.

- (1) If the employee is transferring to another Federal Agency and has an outstanding debt, the employee may elect to pay off the debt in full prior to transfer, pay the debt in installments, or if salary offset is already in effect, continue repayment through salary offset at the new agency until the debt is satisfied. Employees must sign an agreement in the case of installment payments. (See Exhibit 1-90-C for sample agreement.) To either initiate or continue salary offset, payroll computes the status of employee indebtedness as of the effective date of transfer, and provides this information to the SPO. The SPO will then request the new agency to initiate or continue salary offset until the debt is satisfied.
- (2) If the employee has an outstanding debt that is unresolved under C(1) above at the time of transfer, the supervisor will notify the payroll liaison and request initiation of

salary offset (see HHS Personnel Manual Instruction 550-9).

- (3) If indebtedness is discovered after the employee has transferred, the SPO will inform the employee's new agency and request assistance in obtaining resolution from the employee (see HHS Personnel Manual Instruction 550-9). If full payment or a signed agreement for installment payments is not received within 60 days, the SPO will request salary offset.
4. Ensuring that the employee has satisfactorily accounted for accountable property, funds, forms, and records.
 - a. If the employee's responsibilities include accountability for property at an installation or accountability for funds, appropriate arrangements **must be** made to verify the accuracy of records and/or accounts and to transfer responsibility to a successor in accordance with HHS Materiel Management Manual Part 103-27.5015.
 - b. Issues regarding property provided to employees with disabilities as a reasonable accommodation and the possibility of its transfer to another part of HHS or another Federal agency should be handled in accordance with HHS Materiel Management Manual Parts 103-43.1 and 103-43.3.
 - c. If accountable property, funds, forms and records are not returned or proper clearances not obtained, the supervisor is responsible for ensuring **that** issues of employee indebtedness to the Department are resolved and that actions taken are noted on Form HHS-419.
 - (1) For employees separating from the Federal Government, see 1-90-30A.3a.
 - (2) For employees transferring to another HHS component, see 1-90-30A.3b.
 - (3) For employees transferring to another Federal agency, see 1-90-30A.3c.
 - d. When deductions for missing property have been made from an employee's final salary payment, lump-sum leave payment and/or retirement account,

and the missing property is later returned, the former employee is entitled to repayment for any amounts deducted. The supervisor, with assistance from the administrative officer, should instruct the former employee to submit a claim for repayment in writing to the Finance Office stating name, current address and reason for claim and specifying the amount due.

5. Ensuring the return of all identification and building passes and keys.
6. Ensuring that the Personnel Security Representative is notified whenever an employee in a sensitive position who has a security clearance for access to Top Secret, Secret, or Confidential information is separating or transferring. . The employee must be debriefed and the security clearance must be withdrawn.
7. Ensuring that appropriate measures are taken to cancel access to HHS ADP systems, databases, networks (local and wide area), data centers, etc. All employee ADP related identification codes, computer passwords and account numbers will be changed or deleted on all systems, networks, etc., prior to or simultaneous with the transfer or separation of the employee.
(Reference: The Computer Security Act of 1987, PL 100-235 and OMB Circular A-130 Appendix III, Security of Federal Automated Information Systems (AIS). Also see HHS AIS Security Program Handbook.)
8. Following the completion of the clearance processing and satisfactory resolution of any issues, obtaining the employee's signature and date in item 15 of the **Form** HHS-419. (If the employee is unable or refuses to sign, the supervisor will note this in item 15.) The supervisor will then sign and date item 16 of the Form HHS-419 certifying that all required clearances have been obtained.
9. Issuing a copy of the completed Form HHS-419 to the employee, forwarding an information copy to the SPO, and returning the completed original to the administrative officer for retention. The Form HHS-419 will be retained for one year or for one year after any indebtedness is recovered, whichever is longer.
10. Ensuring that all communication with employees with disabilities is conveyed in a medium that is understood by the employees.

B. Employees are responsible for the following:

1. Notifying their supervisor of plans to separate or transfer at least two (2) weeks in advance of the scheduled date.
2. Resolving any issues of 'indebtedness before separation or transfer and working with the supervisor to ensure that proper clearances are obtained.
3. Returning all accountable property, forms, records and other Government property to the appropriate clearance office.
4. Completing and returning all required forms.
- 5 . Signing and dating the certification block in item 15 of the Form BBS-419 which attests that the employee has no unresolved indebtedness with the Department or Government property in his/her possession.
6. Informing management if written or oral communication needs to be presented in alternate formats to accommodate an employee's disability.

1-90-40 MINIMUM REQUIREMENTS OF CLEARANCE PROCEDURES

- A. Each clearance procedure developed under 1-90-20 shall assign to supervisors, with assistance from the appropriate administrative officer within the organization, the responsibility for coordinating the clearance of all employees who separate or transfer from the organizational unit. Additionally, the organizational unit responsible for each part of the clearance process must be clearly identified.
- B. The procedures shall include the policy in 1-90-30.
- c. The procedures shall place responsibility for follow-up action to resolve any outstanding issue and/or to collect any outstanding indebtedness following the separation or transfer of an employee.

J-90-50 **ITEMS FOR WHICH CLEARANCE XS REQUIRED**

Clearance is required for all funds and property, including personal custody, custodial, and accountable advances made to the employee, and accountable and controlled forms, files and records issued to the employee.

1-90-60 **CLEARANCE FORM**

Clearance of separating and transferring employees will be secured through the use of Form HHS-419, Clearance of Personnel for Separation or Transfer (see Exhibit 1-90-A). An OPDIV or Region with a similar form that meets all the requirements of this chapter may use such alternative form. Previous versions of this form are no longer authorized for use.

1-90-70 **SUPPLY OF FORMS**

Form HHS-419, Clearance of Personnel for Separation or Transfer, may be obtained through normal requisitioning channels. Public Health Service activities should obtain their supply of forms in accordance with the information contained in the PHS Forms Catalog.

CLEARANCE OF EMPLOYEES FOR SEPARATION ON TRANSFER											
Part A - IDENTIFICATION INFORMATION											
1. EMPLOYEE NAME:					2. SOCIAL SECURITY NUMBER:			3. TIMEKEEPER NUMBER:			
4. ORGANIZATION MD WORK LOCATION:								5. DATE OF SEPARATION/TRANSFER:			
6. CHECK ONE: <input type="checkbox"/> SEPARATING FROM FEDERAL GOVERNMENT: <input type="checkbox"/> TRANSFERRING TO ANOTHER HHS COMPONENT OR FEDERAL AGENCY (SPECIFY):								7. FORWARDING ADDRESS:			
Part B - CLEARANCES TO BP OBTAINED											
N/A = NOT APPLICABLE											
CLEARANCE ITEMS	BLDG & ROOM #	CLEARED	NOT CLEARED	N/A	INITIALS	CLEARANCE ITEMS	BLDG & ROOM #	CLEARED	NOT CLEARED	N/A	INITIAL
8. SUPERVISOR/ ADMINISTRATIVE OFFICER:						10. PERSONNEL					
a. ADP Security						a. Debt Collection					
b. Advanced Leave						b. Employment Agreement					
c. Building Pass						c. Required Notices/Forms					
d. ID Cards						d. Security Clearance					
e. Keys						e. Training in Outside Institutions					
f. Motor Vehicle Operator ID Card						11. CUSTODIAL OFFICER - HHS-Owned Equipment					
g. Official Files/Records						12. LIBRARY					
9. FINANCE:						13. PARKING PERMIT					
a. Accountable Forms						14. OTHER:					
b. Credit Cards						a.					
c. Employee Emergency Payments						b.					
d. Jury Fees						c.					
e. Relocation Allowance						d.					
f. Travel Advance						e.					
15. I CERTIFY THAT I HAVE NO HHS PROPERTY, RECORDS, OR CORRESPONDENCE AND I DO NOT HAVE ANY UNRESOLVED INDEBTEDNESS NITN TNB DEPARTMENT.						16. I CERTIFY THAT I HAVE REVIEWED THIS FORM AND THAT ALL REQUIRED CLEARANCES HAVE BEEN OBTAINED.					
SIGNATURE OF EMPLOYEE _____						SIGNATURE OF SUPERVISOR _____					
DATE _____						DATE _____					

GUIDELINES FOR COMPLETING FORM HHS-419

1. Detailed procedures and instructions for completing Form **HHS-419** are contained in General Administrative Manual (**GAM**) Chapter **1-90** and Exhibit 1-90-B.
2. **The** employee's supervisor (assisted by the administrative officer) is responsible for obtaining appropriate clearances for employees separating or transferring from their units, and will initiate Form HHS-419 by **filling** in Part A, items 1-7, when informed about the pending separation or transfer of an employee. When physically possible, the Form HHS-419 will be **hand-carried** to those officials from whom clearance is **necessary**. **For** locations which are distant from the clearance offices, the supervisor may obtain telephone clearances when deemed appropriate. Telephone **clearances** must be annotated with the name of the official contacted, status of **each item, and date of clearance**.
3. The clearance officials who are responsible for the items listed in Part B, items S-14, shall secure, when applicable, the return of issued items and forms, check and initial the clearance action they take. They will **describe** on a separate continuation sheet items for which clearance is not granted along with recommendations for immediate actions. (Continuation sheet(s) must be attached to Form XHS-419).
4. If the employee is indebted to the Department, the supervisor shall take the following actions as applicable:
 - a. **Arrange** for settlement/resolution of the employee's indebtedness to the Department prior to separation or transfer.
 - b. If the employee is separating from the Department and has not repaid his/her indebtedness prior to separation, see **GAM 1-90-30A.3a** for required procedures.
 - c. If the employee is transferring within HI-IS or to another Federal Agency and has not resolved **his/her** indebtedness prior to transfer, see GAM **1-90-30A.3b** and 3c for required procedures.
5. After all items in Part B have been cleared or resolved and the employee has signed and dated the certification block in item 15 (if the employee is unable or refuses to sign, the supervisor will note this in item 15) and the supervisor has signed and dated the **certification** block in item 16, a copy of the Form **HHS-419** will be provided to the employee.
6. The completed Form **HHS-419** and all continuation sheets shall be retained in the administrative officer's **files** for one year or for one year after any indebtedness is recovered, whichever is longer. An information copy will be forwarded to the Servicing Personnel Office.

**INSTRUCTIONS FOR COMPLETION OF FORM HHS-419,
CLEARANCE OF EMPLOYEES FOR SEPARATION OR TRANSFER**

PART A, ITEMS 1-7 **IDENTIFICATION INFORMATION:** Enter information on employee separating or transferring.

PART B, **ITEMS 8-14 CLEARANCES:** Clearances must be obtained from each of the offices below. The employee's supervisor will place a check mark in the N/A column if a specific clearance item is not applicable. Once cleared, the clearing office will place a check mark in the "Cleared" column. Items which are not cleared will be marked with a check mark in the "Not Cleared" column; the reason for not clearing must be explained on a separate continuation sheet. For any items lost by the employee, a signed statement from the employee explaining the loss must also be attached to the Form **HHS-419**.

8. **SUPERVISOR/ADMINISTRATIVE OFFICER** The employee's immediate supervisor, with assistance from the organization's administrative officer, is responsible for ensuring that the items listed below are accomplished:

- a. **ADP Security** Cancel employee's access to BBS ADP systems, databases, networks (local and wide area), data centers, etc. All employee ADP related identification codes, computer passwords and account numbers will be changed or deleted on all systems, networks, etc., prior to or simultaneous with the transfer or separation of the employee. (See **GAM 1-90-30A.7.**)
- b. **Advanced Leave,** If annual or sick leave has been advanced to an employee and not earned by the time of separation or transfer, the employee is generally obligated to repay the advanced leave. (See **HHS Personnel Manual Instruction 630-1-30J.**)
- c. **Building Pass** The BBS issued building pass must be returned. If the pass was returned in advance of leaving and a temporary pass was issued, the temporary pass must be returned to the supervisor.
- d. **Identification Cards** All government issued identification cards such as the FEMA Special Facility Identification Card, credentials and badges must be returned.
- e. **Keys** All office/desk keys must be returned to the employee's supervisor.

- f. Rotor Vehicle Operator Identification Card An employee who has a Motor Vehicle Operator Identification Card (SF-46) must surrender it when separating or transferring. (See HHS Personnel Manual Instruction 930-1-100.)
 - g. Official Files/Records The employee's supervisor is responsible for ensuring that all pertinent files and records in the possession of the employee are returned and retained by the organization for the periods prescribed in the appropriate records disposal schedule.
9. FINANCE It is the responsibility of the cognizant organization (e.g., finance/accounting office or administrative services) to ensure that outstanding employee indebtedness is settled or resolved as follows (Reference: Debt Collection Act of 1982 as implemented by 45 CFR Part 30):
- a. Accountable Forms Any controlled form such as a Government Bill of Lading (GBL) or other documents or **papers**, i.e. blank third party draft stock or Government Transportation Requests (GTR). The issuing office is responsible for ensuring, for those employees responsible for safeguarding these forms, that there is a proper accounting for all forms. (See Departmental Travel Manual Chapter 4-10.)
 - b. Credit Cards Any commercial or Government credit card provided directly to an employee or obtained by an employee through a Government assistance contract for use in official Government business. Types of cards include:
 - 0 U.S. Government Credit Card
 - 0 Credit card for use while on official Government travel (currently the Diners Card)
 - 0 Small Purchase Credit Card
 - 0 Telephone Credit Card

Employees separating or transferring to a different "CAN"/organization must turn in all Government credit cards to the issuing office. Credit cards issued in the employee's name will be destroyed in the presence of the employee and the account cancelled by the issuing office. (For locations distant from the issuing office, the supervisor will collect the card(s), notify the issuing office, and send the card(s) to the issuing office.)

- c. Employee Emergency Payment Funds provided to an employee when payment for hours already worked was not received by the employee.

HHS Finance Offices may issue an Employee Emergency Payment to temporarily replace a salary payment inadvertently not processed, lost, stolen, etc. The Finance Office is responsible for ensuring that repayment is accomplished within thirty (30) days of the date the Emergency Employee Payment is issued. (See Departmental Accounting Manual Chapters **10-30** and **10-41.**)

- d. Jury Fees Jury fees paid to an employee which represent other than reimbursement for commuting expenses must be collected from the employee.
- e. Relocation Allowances Allowances paid to an employee as a result of relocation from one duty station to another. Amounts determined to have been overpaid to employees must be repaid. (See Departmental Travel Manual Appendix B, Federal Travel -Regulation on Relocation Allowances.)
- f. Travel Advance Funds provided to employees, in advance, to pay for transportation, food, and lodging costs while on official business away from their normal duty station. An outstanding travel advance owed by a departing employee, and any outstanding travel vouchers which the employee has failed to submit, must be repaid and resolved prior to the **employee's** departure. (See Departmental Travel Manual Chapter **3-20.**)

10. PERSONNEL It is the responsibility of the Servicing Personnel Office (**SPO**) to appropriately review, clear and/or resolve the items listed below. If there is indebtedness for these items, the SPO will contact the appropriate office (**e.g.**, payroll, finance, etc.) if necessary to ascertain the amount of the debt and to determine whom the employee should contact to resolve the debt. The SPO must confirm that the indebtedness has been resolved before indicating "**Cleared**" on the Form HHS-419. (See **HHS** Personnel Manual Instruction **550-9.**)

- a. Debt Collections Certain employee debts are tracked by Payroll, including:
- o Health Benefits If an employee continued to receive health benefits during a period he or she

was in a non-pay status, the SPO must determine whether the Government was reimbursed for the health plan premiums for this period.

- o **Salary Overpayments** The SPO must determine if an indebtedness exists due to a salary overpayment to an employee.

b. **Completion of Employment Agreement**

When BBS has paid the travel and transportation expenses of an employee to a new duty station, the employee is generally obligated to continue in the employ of the Federal government for a specified period of time or to repay the expenses. (See BBS Personnel Manual Instructions 571-1 and 571-4).

Other employment incentive and/or allowance agreements may also require repayment when an employee separates prior to completion of the agreement (e.g., Physicians Comparability Allowance or overseas employee's vacation leave travel expenses). (See BBS Personnel Manual Instructions 595-1 or 301-1.)

c. **I s s u e a N o t i c e**

The SPO will ensure that BBS employees are given required notices/forms appropriate to the circumstances of their leaving (e.g., unemployment compensation, thrift savings plan, health benefits, life insurance, post-employment restrictions, executive financial disclosure, etc.). Some forms may require completion and return by the employee. Attention should be directed, in particular, to the following:

- o All separating employees must be given a copy of **GAM** Exhibit 1-90-D, Post-Employment Restrictions Applicable to Former Employees of the Department of Health and Human Services.
- o All separating employees must be given a copy of SF 8, Notice to Federal Employee About Unemployment Insurance.
- o Certain separating employees covered under the "Ethics in Government **Act**" (i.e., SES, PHS Commissioned Officer O-7 and above, Schedule C, Administrative Law Judges, and others as appropriate) must be given a copy of SF 278,

Executive Personnel Financial Disclosure Report.
They **are** required to complete and return the
SF 278 within thirty (30) **days** of separation.

- d. **Security Clearance** If the employee is vacating a sensitive position (Level 2, 3, or **4**), the Personnel Security Representative (PSR) of the organization **MUST** be notified. The PSR will need to debrief the employee if the employee **has a** security clearance (Top Secret, Secret, or Confidential) **and** the security clearance must be withdrawn. The PSR may also need to cancel an ongoing investigation. (See BBS Personnel Manual Instruction 731-1.)
 - e. **Training in Outside Institutions** Training of more than 80 hours through a non-Government facility generally obligates an employee to continue in the employ of BBS for a specified period **of** time after completion of the training or to repay certain training expenses. (See Federal Personnel Manual Chapter 410.)
- 11. **CUSTODIAL OFFICER - BBS-Owned Equipment**
Employees issued typewriters, dictating/transcribing machines, laptop computers, or other items of BBS property must return this equipment to the custodial officer. (See **GAM 1-90-30A.4.**)
 - 12. **LIBRARY** Departing employees must return all books, materials, etc. borrowed from the library.
 - 13. **PARKING PERMIT** Parking permits listed in the name of the departing employee must be returned to the parking management office.
 - 14. **OTHER** Enter in items 14a through 14e other clearance requirements not specified in items 8 through 13.

EMPLOYEE'S CERTIFICATION: Upon completion of the clearance procedures, the employee shall sign and date the certification block in item 15 of the **Form HHS-419**. (If the employee is unable or refuses to sign, the supervisor will note this in item 15.)

SUPERVISOR'S CERTIFICATION: Upon completion of the clearance procedures and the employee certification block in item 15, the employee's immediate supervisor shall sign and date the certification block in item 16 of the Form HHS-419.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SAMPLE **INSTALLMENT** REPAYMENT AGREEMENT FOR
TRANSFERRING **EMPLOYEE - NOT TO EXCEED ONE YEAR**

I _____, an employee of the Department of Health and Human Services, (Component Name) _____, acknowledge that as of _____, 19____, I am indebted to the Department in the amount of \$_____. The debt consists of \$_____ principal; and accrued late payment charges of \$_____ interest, \$_____ administrative costs, and \$_____ penalty. It arose as a result of my failure to repay the Department for (insert reason) _____

I hereby certify under penalty of perjury that I am financially unable to repay the debt in full in a single payment and request to be allowed to repay it in installments instead of having it offset from my salary or other funds that may be due me.

TERMS OF THE REPAYMENT AGREEMENT:

Repayment of \$_____ (existing principal and all accrued to date late payment charges) with financing interest of ____ percent (Private Consumer Rate in effect on date of agreement) in _____ equal payments of \$_____ payable on the dates listed below. Financing interest over the length of the agreement will amount to \$_____.

PAYMENT DUE DATES:

1.	_____	19____
2.	_____	19____
3.	_____	19____
4.	_____	19____
5.	_____	19____
6.	_____	19____
7.	_____	19____
a.	_____	19____
9.	_____	19____
10.	_____	19____
11.	_____	19____
12.	_____	19____

(OTHER SIDE IS **TO** BE COMPLETED)

Payments must be made out to the Department of Health and Human Services and be received by the Finance Office at the address noted below on or before the payment due date. Failure to pay any payment on time will result in this repayment agreement being declared in default. Without further notice, any amount owed at the time of default will be referred to your then current Agency for offset against your salary **or** other funds due to you.

DEPARTMENT OF **HEALTH** AND **HUMAN** SERVICES
(Insert mailing address)

I have read the above repayment agreement and I understand and agree to its terms and conditions as witnessed here by my signature.

Employee's Signature

Date

Current Home Address

City, State, Zip Code

=====

FINANCE OFFICE APPROVAL:

I hereby approve the repayment of the above cited debt by installments.

Approving Official's Signature

Date

(Insert name and title of approving official)

(Insert location of approving official)

**POST-EMPLOYMENT RESTRICTIONS APPLICABLE TO FORMER
EMPLOYEES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
WHO TERMINATE ON OR BEFORE DECEMBER 31, 1990**

I. Restrictions Applicable to ALL Former Employees

All former employees are barred from ever representing another to the Federal government on any particular matter involving specific parties which they were personally and substantially involved in while a government employee. (18 U.S.C. Section 207(a)). Also, there is a two-year prohibition on representation on any such matter which was pending under the former employee's official responsibility during his or her final year of government service. (Section 207(b)(i)). The term "particular matter involving specific parties" includes matters such as grants, contracts, applications, lawsuits, and other matters in which specific named parties are or were involved. It does not include policy matters such as regulations which have general applicability to the outside world.

II. Restrictions Applicable ONLY to Former "Senior Employees"

In addition to the above restrictions, the Department's approximately 335 "Senior Employees" listed at 5 CFR Section 737.33 are also subject to the so-called "**cooling off**" period imposed by 18 U.S.C. Section **207(c)**. For one year after leaving government, a former senior employee may not represent another person or himself in attempting to influence his/her former agency on **any** matter (new or old) which is pending **before, or of** substantial interest to, his/her former agency. However, under Section 207(d)(2) former senior employees whose principal occupation or employment is with (1) a state and local government, or agency or instrumentality thereof, (2) an accredited, degree granting institution of higher education, or (3) a hospital or medical research organization defined under Section **501(c)(3)** of the Internal Revenue Code are exempted from the restrictions of Section 207(c). A second special prohibition in Section **207(b)(ii)** provides that for two years after leaving government, a former senior employee may not aid or assist in representation of a party by personal **presence** on any matter in which he or she was personally and substantially involved.

Please contact your Deputy Ethics Counselor or the Department's Designated Agency Ethics Official at (202) 245-7258 for more information.

July 1990

**POST-EMPLOYMENT RESTRICTIONS APPLICABLE TO FORMER
EMPLOYEES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
WHO TERMINATE ON OR AFTER JANUARY 1, 1991**

I. Restrictions Applicable to ALL Former Employees

All former employees are barred from ever representing another to the Federal government **on** any particular matter involving specific parties which they were personally and substantially involved in while a government employee. (18 U.S.C. Section 207(a)(1)). Also, there is a two-year prohibition on representation on any such matter which was pending under the **former** employee's official responsibility during his or her final year of government service. (Section 207(a)(2)). The term "particular matter involving specific parties" includes matters such as grants, contracts, applications, lawsuits, and other matters in which specific named parties are or were involved. It does not include policy matters such as regulations which have general applicability to the outside world. There are additional restrictions on employees who were involved in trade or treaty negotiations. (Section 207(b)).

IX. Restrictions Applicable ONLY to Former "Senior Employees"

In addition to the above restrictions, the Department's approximately 335 "Senior Employees" (i.e., all EL II-V's, everyone paid at a GS-17 or above, and all 0-7's and above) are also subject to the so-called "cooling off" period imposed by 18 U.S.C. Section 207(c). For one year after leaving government, a former senior employee may not represent another person in attempting to influence his/her former agency on any matter (new or old) which is pending before, or of substantial interest to, his/her former agency. The Secretary is also prohibited from lobbying anyone in HHS for one year and is further barred from lobbying Executive Level officials in the executive branch for one year. (Section 207(d)). However, under Section 207(j)(2) and (3), the restrictions in Sections 207(c) and (d) do not apply to employees whose principal occupation or employment is with (1) a state and local government, or agency or instrumentality thereof, (2) an accredited, degree granting institution of higher education, (3) a hospital or medical research organization defined under Section 501(c)(3) of the Internal Revenue Code, or (4) an international organization of which the United States is a member. All employees subject to the one year bans are also barred for one year from representing, aiding or advising a foreign government or foreign political party on a matter before any Federal agency. (Section 207(f)).

Please contact your Deputy Ethics Counselor or the Department's Designated Agency Ethics Official at (202) 245-7258 for more information.

CHAPTER 14.19
ADMINISTRATION POLICY AND PROCEDURE ON EXECUTIVE PRIVILEGE

1-119-00 Scope
10 Policy and Procedure

1-119-00 SCOPE

The President recently informed the **Chairman** of the Foreign Operations and **Government**, Information Subcommittee of the **House Committee on Government Operations** of the policy and procedure of the Administration with regard to claims of "executive privilege." The text of the President's statement is reproduced in 1-119-10.

1-119-10 POLICY AND PROCEDURE

The President sent a memorandum to the heads of Executive Departments and agencies "establishing a procedure to govern compliance with Congressional demands for information" as follows:

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive Branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocation of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege.

RICHARD NIXON.

Subject: THE FREEDOM OF INFORMATION ACT

1-120-00	Scope
05	Policy
10	Responsibilities
15	Operating Guidelines
20	Requests from Congress
25	Relationship Between the FOIA and the Privacy Act
30	Sanctions
35	Administrative Deadlines
40	Department-wide Schedule of Fees
45	Annual Report to Congress

1-120-00 SCOPE

- A. **This chapter** sets forth the Department's policies, practices and procedures for **implementing and administering the Freedom of Information Act (FOIA)** as amended by P. L. 99-570. **Further guidance and details are contained in** the Department's implementing Public Information Regulation (45 CFR, Part 5), as amended.
- B. **The Freedom of Information Act** requires that all records and documents in the possession of **Federal** agencies be made available upon request for inspection and/or copying unless **the** records or documents fall within **one or more** of the nine specific exemptions identified in the Act.

1-120105 POLICY

- A. **The Department's** policy calls for the fullest responsible disclosure consistent with **those** requirements of confidentiality and administrative necessity **which are recognized in the Freedom of Information Act.** It is the practice of the **Department,** therefore, to **make** records available whenever it is **possible** to do so without violating the rights of individuals or organizations or **impeding** the **Department's** ability to perform its functions.
- B. **The Act** identifies nine specific exemptions **which** agencies may **employ** to **withhold** records.

1-120-10 RESPONSIBILITIES

- A. The Assistant Secretary for public Affairs is responsible for establishing. Departmental Freedom of Information Act policies, coordinating, monitoring, *compiling reports to Congress*, and providing training and technical assistance to Operating Divisions (OPDIVS).
- B. The Department's Freedom of Information Officer is responsible for recommending and implementing policies and procedures to ensure compliance with the requirements of the Act and coordinating consistent application throughout the Department.
- C. Only Freedom of Information Officers as listed below have the authority to release or deny records in response to FOIA requests and to charge, waive, or reduce fees for processing FOIA requests.
- D. Freedom of Information Officers
- | | |
|---|---|
| 1. Office of the Secretary
Family Support Administration
Office of Human Development Services | Director, FOIA/Privacy Act
Division, Office of Public
Affairs |
| 2. Public Health Service | |
| (a) Office of Assistant Secretary
for Health | FOIA Officer, PHS |
| (b) Agency for Health Care Policy
and Research | FOIA Officer, AHCPR |
| (c) Alcohol, Drug Abuse, and
Mental Health Administration | FOIA Officer, Office of
Communications & External
Affairs |
| (d) centers for Disease Control | Director, Office of public
Affairs |
| (e) Food and Drug Administration | Associate Commissioner for
Public Affairs |
| (f) Health Resources and Services
Administration | Associate Administrator
Office of Communications |
| (g) Indian Health Service | Director, Office of
Communications |
| (h) National Institutes of Health | Director, Office of
Communications |

HHS Chapter 1-120
General Administration Manual
HHS Transmittal 90.07 (10/31/90)

- | | |
|---|---|
| 3. Social Security Administration | Director
Office of Public Inquiries |
| 4. Health Care Financing Administration | Director , Office of Public
Affairs |

- E. A decision by one of these officials to deny a **request** for records or to refuse to waive fees may be appealed to the appropriate review authority as **follows**:

Review Authority

- | | |
|--|--|
| 0 Office of the Secretary | Assistant Secretary for
Public Affairs |
| 0 Family Support Administration | Assistant Secretary, FSA |
| 0 Office of Human Development Services | Assistant Secretary for
Human Development Services |
| 0 Public Health Service (all components) | Assistant Secretary for
Health |
| 0 Social Security Administration | Commissioner , SSA, or Designee |
| 0 Health Care Financing Administration | Administrator, HCFA |

- F. Before making a decision on an appeal of a denial, the designated review official will **consult** with the appropriate **Division** of the Office of the General **Counsel** to ensure that the rights **and** interests of all parties affected by the **request** are protected. Also, the **concurrence** of the Assistant Secretary for Public Affairs is **required** on all **appeal decisions, including those on fees**. When the review official **responds** to an appeal, that constitutes the Department's final action **on** the **request**.

1-120-15 OPERATING GUIDELINES

- A. A "**Freedom of Information request**" is any **request** for existing records, in the **control**, custody, or possession of the Department. **Some** requests for records may also be "Privacy Act requests." (See Section 1-120-20 below). **Requests** for "information" (as distinguished from **requests** for "**records**") or requests for **copies** of publications and other information materials **produced for public distribution** are not "**Freedom of Information requests**" and should be handled in **accordance** with established procedures for responding to public inquiries.
- B. **Oral** requests may be made to a **Freedom of Information** Officer whose staff will **put** in writing such requests. **This** is to ensure the requester's

rights as **provided** by the **FOIA** and the Department's regulations such as the right to appeal in the case when a denial is **made**.

- c. Even **though** requests for records do not **make** specific reference to the **Freedom of Information Act** or the Department's Public Information **Regulation**, they must be treated as **though they did**. Search, review, and copying fees may be charged to the requester in accordance with the provisions set forth in the Public Information **Regulation**.

D. Releasing Records

1. If all records responding to the request are to **be** released, the **FOI Officer** will **send one** of the two copies provided by the program office to the requester, together with a letter that informs the requester that:
 - (a) All records that fall within the scope of the request are enclosed (or will be sent at a later date):
 - (b) No deletions have been made and no records withheld; **and**
 - (c) An invoice for fees is enclosed for **allowable charges** or that the fees are waived.
2. If a **reasonable** search fails to locate the records, **the** requester will be notified in writing. Such a notice does not constitute a denial of access **to records**.

E. Withholding Records

When any deletion is **made** from records that will be released, or when any record is withheld, the **FOI Officer** making that decision, will notify the requester in writing and

1. **Describe** the deleted portions or withheld records in general **terms** only;
2. State the **FOIA** exemption **and** the provision of the Public Information Regulation that permits the withholding;
3. **Enclose** an invoice for fees for allowable **charges** or waive the fees;
4. **Explain** the requester's right to **appeal** the decision not to **comply** fully with the **request**, and identify the official to **whom** the apply should be sent:

5. **Maintain** appropriate **documentation** of records or portions withheld in case of an appeal.

F. Appeals

In the event of an appeal, the appropriate review official will:

1. Obtain the records from the **FOI** Officer:
2. **Conduct** an independent evaluation of the initial determination:
3. **Consult** with the **Office of** General Counsel **and** obtain **concurrence** of the Assistant Secretary for Public Affairs:
4. **Notify** the requester of this final agency decision and the right to seek judicial review:
5. **Prepare a description of** any records that are **to be** denied an appeal in sufficient detail to apprise the requester of the nature of **the documents** denied, if adequate **explanation has** not already been provided; and
6. **Maintain appropriate documentation** concerning the disposition of appeals.

(HHS regulations require **FOI appeals** files to be maintained for four (4) years after final **determination** by the agency, or three (3) years after final adjudication by courts, whichever is later.)

1-120-x) **REQUESTS FROM CONGRESS**

When a **FOIA** request is received from a **Member of Congress**, it should be first determined whether it is a duly authorized **request on behalf of Congress** through a legislative **committee** or **subcommittee**. If so, the request falls within subsection (c) of the **FOIA** and **only** a specially authorized claim of executive privilege **could** be **interposed** to justify **nondisclosure**. Any **FOIA** request submitted by the **chairman of a committee or subcommittee** on a subject within its jurisdiction **should** routinely fall into this category. If the request is **not** an official **committee** or **subcommittee** request, it should then be processed as a request **from "any person"** under the **FOIA**, but with particular regard for the consideration of congressional relations.

1-120-25 **RELATIONSHIP BETWEEN THE FOIA AND THE PRIVACY ACT**

- A. **The FOIA applies to all requests for records whether or not the records are maintained in a designated Privacy Act System of Records.**
- B. **The Privacy Act gives individuals the right of access to most records about themselves that are in a designated Privacy Act System of Records.**
- C. **If an individual requests access to a record concerning himself, retrieved by his/her name or personal identifier, and contained in a designated Privacy Act System of Records, the HHS employee receiving the request should mark it "PRIVACY ACT REQUEST" and route it without delay to the appropriate System Manager, as identified in the System notice.**
- D. **If a requester requests records concerning an individual other than himself and the records are contained in a designated Privacy Act System of Records, the request constitutes an FOI request. Unless disclosure is required by the FOIA, the Privacy Act prohibits disclosure of the records. The FOIA requires disclosure of records in a designated Privacy Act System of Records to a third party who requests them unless FOIA's Exemption 6 applies because "disclosure would constitute a clearly unwarranted invasion of personal privacy," or if any other FOIA exemption applies. In making a personal privacy determination, we will balance an individual's right to privacy against the public interest in disclosure of the records. Public interest in this context is limited to the kind of public interest for which Congress enacted the FOIA, i.e., to provide significant insight into an agency's performance of its statutory duties.**
- E. **If a requester mislabels a request, mistakenly saying it falls under one Act rather than the other, we will place it in the proper channels, and, in any event, we will apply the Act that provides the most information.**

1-120-30 **SANCTIONS**

The 1974 Amendments to the Freedom of Information Act empower a District Court to hear Freedom of Information cases and to determine whether or not an agency's personnel acted arbitrarily or capriciously in withholding requested records. If the court so finds, the Office of Special Counsel must initiate a proceeding promptly to determine whether disciplinary action is warranted against the responsible official(s) or employee(s). The Special Counsel's findings and recommendations are to be submitted to the appropriate

administrative authority of the agency and to **the** responsible official or **employee**. **The** administrative authority shall take **the** disciplinary action **recommended by the** Special Counsel. (5 U.S.C. 552(a)(4)(F))

1-120-35 ADMINISTRATIVE DEADLINES

- A. Determinations **on whether** records are **to be** released or withheld must be made and the requester notified within 10 working days of the date of receipt in the responsible **FOI** office. Extensions of time will not normally be granted. However, **the time limit may be** extended by written notice to the requester for not longer than an additional 10 working days **only** in unusual circumstances. **The term "unusual circumstances"** includes the need:
1. **To** search for and collect the **requested** records **from** field facilities or other establishments that are separate from the office processing the **request**;
 2. **To** search for, collect, and examine a voluminous **amount of** separate **and** distinct records which are involved in a single request;
 3. **For** consultation which shall be conducted with all practicable speed with another office or **agency having** a substantial interest in the determination of the request or **among** two or **more components** or the agency having substantial subject-matter interest.
 4. **To** conduct negotiations with submitters and requesters of information to determine the **nature and** extent of **non-disclosable** materials.
- B. If **such** extension is required, the requester will be notified in writing **with an explanation of why the extension was necessary and the date by** which a **determination will** be made. **Only** the officials designated in section 1-120-10 are authorized to extend the time limits **on** initial review.
- C. **Decisions on appeals must be** transmitted in writing within 20 working days **from** receipt **in** the office of the **appeal** official. **Extension** of the time limit may be **granted only** for the number of days not used to extend the initial determination period up to a maximum of 10 days. **Such extension may be granted only for the reasons** previously stated.
- D. Failure to **meet** either of these deadlines entitles the requester to **consider** his administrative remedies as **exhausted** and to seek **immediate** judicial review.

1-120-40 DEPARTMENT-WIDE SCHEDULE OF FEES

- A. A detailed schedule of fees for processing FOIA requests is set forth in the Public Information Regulation 45 CFR Subpart E. The officials responsible for making initial determinations shown in Section 1-120-10 shall also determine whether fees are to be charged or waived in responding to requests for records. If a fee is to be assessed, the responsible FOI Officer will determine the actual or estimated charge for providing the record to the requester. There is no charge for processing an FOIA request when the cost of collection would exceed the amount of the fee.
- B. The Anti-Drug Abuse Act of 1986 (P.L. 99-570) amended the Freedom of Information Act by establishing three categories of requesters and the incremental charges that can be assessed against them:
1. Fees are limited to reasonable standard charges for document search, duplication and review when records are requested for commercial use:
 2. Fees are limited to standard charges for document duplication only when the request is made by an educational or noncommercial scientific institution whose purpose is scholarly or scientific research; or a representative of the news media; and
 3. For any request not described in (1) and (2) above, fees are limited to reasonable standard charges for document search and duplication.
- C. Fee schedules are limited to only the direct costs of search, review and duplication. Review costs are limited to time spent during the initial examination of a document to determine whether the document must be disclosed. Review costs cannot include time spent in resolving issues of law or policy.
- D. No fee may be charged to requester in the subsections (2) and (3) above
- 0 If the cost of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or
 - 0 For the first two hours of search or for the first one hundred pages of duplication.
- E. Fees will be paid by check, money order or credit card payable to the "U.S. Department of Health and Human Services" or to the unit as directed in the billing invoice.

- F. Advance **payment** may not **be** required of a requester unless the requester has failed to pay fees for an earlier request in a timely fashion or **the FOI Officer has determined that the fee will exceed \$250.**
- G. Documents must be provided without charge or at a reduced charge if disclosure of **the information** is in the public interest because it is likely to contribute significantly to public understanding of the **operations** or activities of the Department and is not primarily in the **commercial** interest of the requester.
- H. **Requesters who have been denied a fee waiver or reduction may appeal to one of the reviewing authorities specified in 1-120-10.**

1-12045 **ANNUAL REPORT TO CONGRESS**

- A. **The 1974 amendments to the Freedom of Information Act require that the Department submit an annual report on or before March 1 of each calendar year to the Speaker of the House and to the President of the Senate for referral to the appropriate committees of the Congress. The report should include:**
 - 1. The number of determinations not to **comply** with requests for records **and the reasons for each determination;**
 - 2. The number of appeals and **the reasons** for the action taken on each **appeal** that results in a denial of **information;**
 - 3. **The names and titles or positions of each person responsible for the denial of records requested under this section and the number of instances of participation for each;**
 - 4. **The result of each proceeding involving the sanction provision of the 1974 amendments, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records, or an explanation of why disciplinary action was not taken;**
 - 5. A copy of **every rule** made in connection with the Freedom of Information Act:
 - 6. A copy of the fee schedule and the total **amount** of fees collected for making records available: and

7. Such other information as indicates efforts to properly administer the **Freedom** of Information Act. The **Department's Freedom** of Information Officer will coordinate the **compilation** of data to **be** included in the annual report to **Congress and** will issue instructions to public affairs officials on format and procedures.
- B. Each FOIA official responsible for making initial determinations on **Freedom** of Information requests will **complete** and forward to the **Department's Freedom** of Information Officer on an annual basis a **Freedom** of Information Act Report.

REPORTING PERIOD:

(From) (To)

AGENCY:

DATE OF REQUEST	REQUESTOR OR APPELLANT	DOCUMENT(S) REQUESTED	ACTION OFFICE	INTERIM RESPONSE DATE	RESPONSE DATE	ACTION IF A DENIAL	APPEAL DATE	INTERIM APPEAL RESPONSE DATE	FINAL APPEAL RESPONSE DATE	NATURE OF APPEAL RESPONSE (Approved, Denied)
8/17/73	Ja J. Doe Abrney at Law 13 Blank Ave. La Angeles, CA 90009	Audit Report: LA County Schools	OCR		8/27/73	Denied: 5 USC 552 b)(4) & 45 CFR Sec. 5.73	9/15/73	9/28/73	10/20/73	Denied
8/20/73	Ja Smith Nat'l Student Lobby 17 K St, NW Wa DC 20006	Copy of letter from Secretary to Dr. John Fox, CA State Supt. of Schools	ES		8/28/73	Granted				
8/21/73	DcG. Brown Fbflex Sysys. Inc 85 Choice Lane Norich, Conn. 00021	Copy of Contract HFP-000-73-HEW-06	OASAM	8/29/73	9/16/73	Partial Denial: 5 USC 552(b)(4) & 45 CFR Sec. 5.73				

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FM-73.14 (10/17/73)

CHAPTER 1-121

REVIEW PROCEDURES FOR AUDIO-VISUAL MATERIALS

- 1-121-00 Purpose
 - 10 Scope
 - 20 Responsibility
 - 30 Clearance for Procurement and Production

1-121-00 PURPOSE

This chapter sets forth procedures for the review and approval of all audio-visual materials funded under HEW grants or contracts and intended for use with the public.

1-121-10 SCOPE

- A. "Audio-visual materials" refers to motion pictures, videotape productions, slide shows, filmstrips, audio recordings, exhibitry or similar materials, as well as to the steps involved in procuring them, including design, layout, preparation of scripts, filming or taping, sound recording, editing, fabrication, or other activities.
- B. Audio-visual materials used or designed for use in the following situations would routinely be considered as intended for use with the public:
 - 1. broadcast on commercial, **CATV**, or educational public television facilities;
 - 2. showing in commerical movie houses;
 - 3. showing in public places (i.e., airports, waiting rooms, bus or railroad depots, vacation resort facilities, conventions, exhibit halls, etc.); and
 - 4. showing before civic associations, schools, clubs, fraternal organizations, **or** similar lay groups.
- C. Coverage under this procedure is modified **as** follows:
 - 1. audio-visual materials intended for use as a teaching tool in a classroom setting or as a training tool for professional groups will be reviewed only as to Department identification and proper procurement procedures; and

(1-121-10 continued)

2. captioned films for the deaf (films not originally produced for use with the deaf) shall be excluded from these regulations, except as regards proper Department identification.

1-121-20 RESPONSIBILITY

- A. The Office of the Assistant Secretary for Public Affairs (**ASPA**), Office of the Secretary, has primary responsibility for the review and approval of all audio-visual materials (except those produced in-house) purchased or made for use with those publics identified in 1-121-10 (SCOPE) above. This review is made to ensure that films acquired or produced with HEW funds contain proper Department identification, do not become a source of embarrassment to the Department, and assist the Department in the attainment of programmatic objectives.
- B. It is the responsibility of **ASPA** to receive, review, and approve (or disapprove) prior to the initiation of negotiations requests for the procurement of audio-visual materials intended for showing to the general public. **ASPA** will require review and clearance of projects at appropriate stages of production or procurement process.

1-121-30 CLEARANCE FOR PROCUREMENT AND PRODUCTION

- A. Follow the procedures specified in the HEW Procurement Manual, Subpart 3-4.5400 and the HEW Public Affairs Management System Manual, Subpart 75.1.3, except that Revised Form 524A (Request for Audiovisual Materials) is used in lieu of a memorandum, with the exception of procurement of exhibitry, which shall be submitted in a memorandum.
- B. **ASPA** reserves the right to review treatments, scripts, shooting outlines, story boards, layouts, etc., in specific instances. When such review is required, it will be identified at the time of clearance for procurement.
- c. Prior to submission to **ASPA**, HEW agencies proposing an audiovisual project will clear the proposal with appropriate authorities at the agency level in accordance with agency requirements.

CHAPTER 1-130
NOMINATION AND FUNCTIONING OF DESIGNATED AGENTS

1-130-00	Purpose
10	Definition
20	Policies
30	Responsibilities
40	Procedures
50	Pick up of Disbursements by the Designated Agent or Messenger
60	Periodic Review
70	Form Supply

1-130-00 PURPOSE

This chapter establishes policies and procedures for designating employees to serve as designated agents for the Treasury Department to receive and distribute Treasury checks and United States Savings Bonds.

1-130-10 DEFINITION

With respect to DHEW, a designated agent is an employee of the Department who has been delegated authority to act for the Division of Disbursement, Treasury Department for the purpose of receiving and distributing checks and savings bonds.

1-130-20 POLICIES

- A. Heads of installations or their designees are to recommend designated agents by position title to the Director of the Servicing U.S. Treasury Disbursing Center for approval. Alternate agents may be recommended where needed.
- B. The number of designated agents to serve a given organization, or a group of organizations, should be restricted to the fewest required to distribute checks and/or bonds. In the field, this generally means one designated agent at one physical location.
- C. Designated agents as a minimum are to be section heads, administrative officers, or other persons of equivalent status. However, the actual physical distribution of checks to individual employees may be performed by one or more responsible employees in an installation or an organizational unit.

1-130-20 (continued)

- D. In the interest of internal control, no person or position having duties of a certifying officer or otherwise directly or indirectly involved (as timekeepers are) in the preparation of payrolls or voucher schedules may be designated as an agent to distribute checks and bonds. The Director of the Treasury Disbursing Office will consider waiver of this requirement in unusual circumstances where the separation of duties may not be feasible. When a waiver is requested, a memorandum citing the reason must be submitted with the SF 1195.

1-130-30 RESPONSIBILITIES

- A. The Division of Central Payroll is the official Department contact point for matters dealing with the designation of agents for salary checks and savings bonds.
- B. On matters dealing with the designation of agents for payments (other than salary checks and savings bonds) disbursed by a Treasury Regional Disbursing Office, DHEW offices should forward communications through normal administrative channels to the Treasury Regional Disbursing Office for their immediate area.
- C. The responsibilities of a designated agent are set forth in the notification of delegation received from the Treasury Disbursing Office.

1-130-40 PROCEDURES

A. Preparation of Treasury Department SF 1195

SF 1195, "Recommendation and Designation of Agent to Receive and Deliver Salary Checks and Savings Bonds," is required in all cases of: (1) designation or revocation of designated agents, (2) changes in position title of a designated agent, and (3) changes in timekeeper numbers applicable to a designated agent.

The recommending office is to prepare Section I (see Exhibit X 1-130-1) as follows:

1. Title and complete address of the Treasury Disbursing Office. All notifications of actions for salary checks and bonds should be addressed to the Director, Washington Disbursing Center, P.O. Box 2229, Washington, D.C. 20226.
2. Date.

1-130-40 (continued)

3. Position title of the designated agent or the employee nominated to be a designated agent.
4. Timekeeper number (and/or designated agent number for commissioned personnel).
5. Organizational unit of the designated agent.
6. Address of designated agent. Care should be taken to state the mailing address as clearly and concisely as possible. A mailing address should never include both a Post Office box number and a street address. It must always include the zip code. Use organizational titles familiar to local postal authorities.
7. Position title of designated agent.
8. Items to be received and distributed by the designated agent, such as salary, travel, stipend or cashier checks, and/or savings bonds.
9. Address of designated agent.
10. Position title of designated agent.
11. Signature of designated agent. Required for payments other than salary (such as travel, cashier, or stipend checks), or when checks are to be picked up direct from the disbursing office by the designated agent or a messenger on his behalf.
12. Position title and applicable timekeeper number of designated agent being revoked.
13. Signature of Recommending Officer
14. Title of Recommending Officer.
15. Address of Recommending Officer.

Note: The Division of Central Payroll will complete Items 13, 14 and 15 for all recommendation and designation of agents to receive salary checks and savings bonds.

1-130-40 (continued)

B. Submission of SF 1195 and Form Letters

1. The recommending officer should send all SF 1195s for salary checks and bonds with a cover letter (see Exhibit X 1-130-2) to the Director, Washington Disbursing Center, through the Director, Division of Central Payroll (DCP), P.O. Box 2229, Washington, D.C. 20013. The Director of DCP or his designee will sign the SF 1195s and forward them to the Washington Disbursing Center.
2. If the SF 1195 is to go to a Treasury Regional Disbursing Office for payments other than salary, it should be sent directly to the appropriate Treasury Regional Disbursing Office.
3. Whenever any of the actions cited below in Paragraphs D, E, or F involve designated agents for salary checks and bonds, a form letter should be prepared and forwarded with the SF 1195 to Director, Division of Central Payroll, DHEW, P.O. Box 2229, Washington, D.C. 20013.

C. Notification by Treasury Department of Acceptance or Disapproval of Agent

The Director of the Disbursing Center will designate or/and revoke the agent by title on Section II of the SF 1195 and will forward a copy to the agent for his files.

D. Notification of Cancellation by Recommending Officers

1. When there is an addition or deletion to be made in a group of timekeeper numbers applicable to a designated agent for salary checks, the complete designation must be cancelled and then redesignated for the corrected timekeeper numbers. The same holds true when the position title of a designated agent changes.
2. For a cancellation, the position title of the designated agent or the alternate agent, and applicable timekeeper numbers should be included (see Exhibit X 1-130-3).

E. Notification of Changes in Designated Agents

Delegation by position title allows personnel changes to be made in this function without notification to the Treasury Department. Therefore, the position recommended should be one in which frequent changes are not expected (see Exhibit X 1-130-4).

1-130-40 (continued)

F. Notification of Change in Mailing Address Only

The submission of a SF 1195 is not required. A letter will suffice (see Exhibit X-1-130-5).

1-130-50 PICK UP OF DISBURSEMENTS BY THE DESIGNATED AGENT OR MESSENGER

- A. If it is the practice of an organization to have the designated agent or a messenger pick up checks and bonds at the Treasury Disbursing Office, the signature of the designated agent must appear on the SF 1195, Item 11, when it is submitted by the Treasury Disbursing Center.
- B. When an agent sends a messenger to the Treasury Disbursing Office to pick up checks and/or bonds, the designated agent must prepare a written request bearing his signature and that of the messenger (see Exhibit X-1-130-6). An authorized messenger can continue to pick up checks and bonds until the request is withdrawn.
- C. Prompt cancellation of authority must be requested when an individual is no longer authorized to pick up checks and bonds.

1-130-60 PERIODIC REVIEW

Each office which has a designated agent should make an annual review during the second quarter of each fiscal year to assure that the assignment is proper and that the data regarding position title, timekeeper number, etc., are current. It also should make such review whenever the function has been significantly affected by moves of large groups of employees, reorganization, or other circumstances.

1-130-70 FORM SUPPLY

Standard Form 1195, "Recommendation and Designation of Agent to Receive and Deliver Checks and Savings Bonds," may be purchased through normal requisitioning procedures or from General Services Administration, Federal Supply Division, Region 3, 7th and D Streets, S.W., Washington, D.C. 20407. GSA stock number is 7540-935-5886.

Standard Form 1193
TREASURY DEPARTMENT
Bureau of Accounts
Division of Disbursement
Circular No. 143 (Revised)

RECOMMENDATION AND DESIGNATION OF AGENT
TO RECEIVE AND DELIVER CHECKS
AND SAVINGS BONDS

SECTION I (to be completed by agency)

1. NAME AND LOCATION OF DISBURSING OFFICER
Director, Washington Disbursing Center
P.O. Box 2229, Washington, D.C. 20226
2. September 30, 1978
(Date)
3. NAME OF INDIVIDUAL OR POSITION TITLE
Administrative Officer
4. Principal for TK# 00065
5. AGENCY DHEW
Branch
Post Office Box Number or Street Address
6. ADDRESS City and State with Zip Code
7. It is recommended that Administrative Officer
(Position Title or Name if no individual)
8. be designated as Designated Agent for the below named disbursing officer to receive and distribute
Salary Checks and U.S. Savings Bonds
(Indicate whether Checks (and type of check) and/or Savings Bonds)
- The individual named or occupying the position named is not an authorized certifying officer and is not connected with the preparation of salary payrolls or savings bond issuance schedules. The position recommended above for designated agent is at a level no lower than the head of a section.
- The name and address of the individual or position title, and the signature (where required) of the individual named or occupying the position are shown below.
9. P.O. Box or Street Address
City, State and Zip Code
(Name and Address of Agent)
13. (See Note on page 3 of
(Signature of Recommending Officer)
10. Administrative Officer
(Name of Position Title)
14. Chapter 1-130-40 for completion
(Title)
11. Samuel Bowers
(Signature of Individual Designated by
Name or of Incumbent of Designated
Position, If Required)
15. of these three items)
(Address)
12. Executive Officer, Principal for TK# 00065
(Name of Individual or Position to be
Revoked, If Any)

SECTION II (to be completed by disbursing officer)

In accordance with provisions of 5 U.S.C. 124-132, Note (1964 Ed.), authority is hereby delegated to the above-named employee or position title to act as agent of the disbursing officer for the purpose of receiving and distributing such checks and/or United States savings bonds as are indicated above. The Designated Agent will be guided by the instructions printed on the reverse hereof and such other instructions as may be directed to him from time to time. The checks and bonds will be forwarded without requirement of receipt, so long as the Designated Agent is employed in the administrative office or until the delegation is revoked.

DESIGNATION FOR _____
(Name of Agent or Position)

APPROVED _____
(Date of Action)

DESIGNATION FOR _____
(Name of Agent or Position)

REVOKED _____
(Date of Action)

(Signature of Disbursing Officer)

1193-101

Originating Office

Date

Director, Division of Central Payroll
P. O. Box 1620
Washington, D.C. 20013

Dear Sir:

Enclosed is Treasury Department Form SF-1195 recommending delegation of authority to act as agent for the Treasury Department for the purpose of receiving and distributing salary checks and U. S. Savings Bonds to the following position:

Administrative Officer
Principal for T K #
DHEW Organizational Unit
Division
P. O. Box, or Street Address
City, State and Zip Code

The individual occupying the position named is not an authorized certifying officer and is not connected with the preparation of salary payrolls or savings bond issuance schedules. The position recommended above for designated agent is at a level no lower than the head of a section.

Sincerely yours,

Name of recommending officer
Title of recommending officer

Enclosure

Originating Office

Date

Director, Division of Central Payroll
P. O. Box 1620
Washington, D.C. 20013

Dear Sir:

It is requested that the delegation of the following designated agent be cancelled:

Administrative Officer
Principal for T K #
DHEW Organizational Unit
Division
P. O. Box, or Street Address
City, State and Zip Code

Sincerely yours,

Name of recommending officer

Originating Office

Date

Director, Division of Central Payroll
P. O. Box 1620
Washington, D.C. 20013

Dear Sir:

It is requested that the delegation of the following
designated agent be amended as shown below:

From: Administrative Officer
Principal for T K #
DHEW Organizational Unit
Division
P. O. Box, or Street Address
City, State and Zip Code

To: Staff Assistant
Principal for T K #
DHEW Organizational Unit
Division
P. O. Box, or Street Address
City, State and Zip Code

The individual occupying the position named is not an
authorized certifying officer and is not connected with
the preparation of salary payrolls or savings bond
insurance schedules. The position recommended above for
designated agent is at a level no lower than the head
of a section.

Sincerely yours,

Name of recommending officer
Title of recommending officer

Enclosure SF-1195

Originating Office

Date

Director, Division of Central Payroll
P. O. Box 1620
Washington, D.C. 20013

Dear Sir:

It is requested that the mailing address of the following designated agent be corrected as shown below:

From: Administrative Office
Principal for T K #
DHEW Organizational Unit
Division
Old P. O. Box, or Street Address
City, State and Zip Code

To: Administrative Officer
Principal for T K #
DHEW Organizational Unit
Division
New P. O. Box, or Street Address
City, State and Zip Code

Sincerely yours,

Name of recommending officer

1/

United States Government

MEMORANDUM

TO : 2/FROM : 3/

SUBJECT: Authorization of Messenger to Pick Up Disbursement(s)

It is requested that 4/ whose signature appears
below, be permitted to receive 5/
for delivery to me as Designated Agent.

6/7/8/9/1/ Insert date.2/ Insert location of Director, Disbursing Center.3/ Insert organizational office.4/ Insert name of messenger.5/ Insert type of payment(s)6/ Insert signature of messenger.7/ Insert signature of designated agent.8/ Insert name of designated agent.9/ Insert timekeeper and/or designated agent number(s)
when applicable.

CHAPTER 1-140
PAYROLL LIAISON FUNCTION

- 1-140-00 Purpose
 - 10 Establishment of Function
 - 20 Responsibilities of Payroll Liaison Representative

1-140-00 PURPOSE

This Chapter discusses the payroll liaison function and clarifies the responsibilities of the payroll liaison representative.

1-140-10 ESTABLISHMENT OF FUNCTION

The payroll liaison function has been established at local operating levels to provide a point of communication between the employees of HEW and the Division of Central Payroll and Reports Processing (DCPRP) and/or the Servicing Personnel Office (SPO). The purpose of the communication is to provide employees general information about payroll changes and to assist the employee, DCPRP, or the SPO in resolving errors in pay or leave. Often, payroll liaison duties are assigned to an employee to perform on a part-time basis. Managers assign the function to employees located in such organizations as finance, administration, or personnel. When the function is located in a personnel office, the person performing payroll liaison must not be an employee who processes personnel actions, or serves as a designated agent to receive and distribute Treasury checks and United States Savings Bonds.

1-140-20 RESPONSIBILITIES OF PAYROLL LIAISON REPRESENTATIVE

- A. Receives calls from DCPRP on matters that affect employees payroll checks and advises timekeepers, administrative officers, and employees as appropriate.
- B. Receives all inquiries from employees and timekeepers about errors in payroll checks. Calls the contact in DCPRP with regard to critical errors; requests HEW 411 "Payroll Notification Form" on all other errors.
- C. Reviews Forms HEW 411-A "Error Notice" and 411-B "Leave Error Notice" for completeness. Refers all Form 411-As concerning the SF-50 to SPO; others to DCPRP.

1-140-20 (continued)

- D. Obtains and forwards corrected T and A cards to DCPRP in emergency situations.
- E. Notifies DCPRP of checks lost after delivery of check. Insures that a brief statement signed by employee outlining the circumstances involving the lost check is included.
- F. Gives guidance to timekeepers and employees on how to complete error notices.
- G. Obtains a signature card for every timekeeper and alternate timekeeper and forwards to DCPRP.
- H. Reviews SF-1195, "Recommendation and Designation of Agent to Receive and Deliver Checks and Savings Bonds", to insure completeness and transmits to DCPRP.

Subject: MAJOR SYSTEM ACQUISITIONS

1-150-00 Purpose
10 Scope
20 Policy
30 Background
40 Definitions
50 General
60 Major Duties and Responsibilities
70 Training

Exhibit

1-150-A Office of Management and Budget (OMB) Circular No. A-109, dated April 5, 1976 - Major System Acquisitions

f-150-00 PURPOSE

This chapter prescribes Departmental policies, procedures! and responsibilities for implementing the provisions of OMB Circular NO. A-109, Major Systems Acquisitions.

J-150-10 SCOPE

This chapter applies to all Departmental organizational elements **and shall** be used in conjunction with OMB Circular No. A-109 (See **Exhibit 1-150-A**) to obtain a comprehensive knowledge of the major system acquisitions concept.

J-150-20 POLICY

The Department shall adhere to the objectives and guidance stated in OMB Circular No. A-109 and this chapter to ensure the effectiveness and efficiency of the process of acquiring a major system.

f-150-30 BACKGROUND

OMB Circular No. A-109 (the Circular) establishes Government-wide policy pertaining to the acquisition of a major system and establishes specific policy and procedural requirements for implementation by Executive agencies and departments.

The Circular provides for:

- A. Top level management attention to the determination of Departmental mission needs and goals:
- B. An integrated systematic approach for establishing mission needs, and for budgeting, contracting, and managing programs;
- c. Improved opportunities for innovative private sector contributions to national needs: and
- D. Early communications with Congress and OMB in the acquisition process by relating major system acquisitions to Departmental mission needs and goals.

f-150-40 DEFINITIONS

- A. **Major System.** OMB Circular No. A-109 defines a major system as "**that** combination of elements that will function to produce the capabilities required to fulfill a mission need. The elements may include, for example, hardware, equipment, software, construction, or other improvements or real property." In addition, the Circular expresses the basic major system acquisition criteria in terms of programs that:
 - 1. Are directed at, and critical to, fulfilling a Departmental mission:
 - 2. Entail the allocation of relatively large resources; and
 - 3. Warrant special management attention.

The Department has established a dollar threshold of \$100 million (and above) to further define the parameters of a major system. Any proposed acquisition meeting these four criteria shall be considered a major system and **shall be** acquired through the application of the A-109 policy. The **Secretary** may also decide to apply the A-109 policy to any acquisition having an estimated system cost between \$60 million and \$100 million which meets the three basic OMB major system criteria. (See **1-150-60C2**).

- B. **Mission Need.** A mission need is described as the capability required to accomplish a Departmental mission or to effectively pursue a scientific, technological, or other opportunity related to a Departmental mission, including cost and schedule considerations. Mission needs may be identified through Departmental analyses or through studies directed by appropriate executive or legislative authorities.
- C. **Mission Need Statement.** A mission need statement explains the mission need by **stating the purpose** of the mission, capability, Departmental activities involved, time constraints, value or worth of meeting the need, relative priority, and operating constraints. The mission need statement expresses needs and program objectives in mission terms rather than in equipment terms to encourage innovation and competition in the private sector.

J-150-50 GENERAL

The Office of Management and Budget has emphasized that implementation of the A-109 policy will serve to shorten the acquisition cycle by providing a methodical or systematic approach to a logical sequence of acquisition events and involve top management in all stages of the acquisition process, from start to finish, allowing for continual control and monitoring of the system process.

The following briefly indicate the major steps encompassing a typical major system acquisition:

- A. Analyze mission.
- B. Evaluate and reconcile needs in context of mission, resources, and priorities.
- c. Determine mission need.
- D. Prepare mission need statement.
- E. Submit mission need statement to Secretary for approval.
- F. Submit mission need to Congress via budget process.

- G. Designate a Program Manager.
 - Tailor an acquisition strategy and develop plans.
 - Develop solicitation for alternate system design concepts.
- H. Competitively explore alternate system design concepts by contract.
- I. Select competitive system design concepts to be advanced to a test/demonstration phase **or** obtain Secretarial authorization to proceed with the development of a noncompetitive (single concept) system.
- J. Conduct competitive demonstrations.
- K. Select concept(s) and enter into full scale development, test, evaluation, and initial implementation or production.
- L. Commit system to full implementation or production.

The need for the acquisition of a major system, or a system meeting the three basic OMB criteria (excluding the \$100 million dollar threshold) will be formally identified prior to the initial budget request review process and submitted to the Secretary for approval. The major system will be indicated in the budget request submitted to the Deputy Assistant Secretary, Budget during the initial budget review process. (See **1-150-60C2.**)

The mission need normally is communicated to OMB informally during the analysis and writing of the mission need statement.

After approval by the Secretary, the mission need is communicated to Congress during the budget process in accordance with OMB Circular Nos. A-10 and A-11.

Approval of the mission need statement begins the search for mission need solutions by approving authority to competitively explore alternative system design concepts by contract. This initial approval and the establishment of a

system acquisition program does not automatically mean that a new major system will eventually be acquired. Based on an approved need, designated Department activities may continue to analyze other optional means of satisfying the need in parallel with the contractual exploration of alternative systems which may, as development proceeds, **prove** unacceptable. This evaluation of options, including the alternative system design concepts, provides the basis for subsequent key decisions in the major system acquisition process.

A program manager should be designated and provided a charter for each major system acquisition program as soon as possible after the mission need has been approved. The program manager will be responsible for developing the acquisition strategy and plans and soliciting alternate system design concepts.

After prospective contractors have submitted offers based upon the solicitation and the offers evaluated by a panel of experts, multiple contracts are awarded to further competitively explore the alternative concepts, contractual efforts are evaluated, and the program manager recommends selected concepts for competitive demonstration.

The Secretary exercises the second key decision by committing the continued expenditure of resources to meet the mission need and selecting the proposed system concepts for demonstration and evaluation.

Competitive demonstrations are intended to verify that the chosen concepts are sound, perform in an operational **environment**, and provide a basis for selection of the system design concept(s) to be continued into full-scale development and initial implementation (or full implementation).

At the completion of the evaluation of the competitive system alternatives, the program manager updates the acquisition strategy and the anticipated cost and schedule data and forwards these items, along with the evaluation results and his recommendation, to the Secretary for the third key **decision**--selection of the system design concept(s) to enter into full scale development and initial implementation.

This phase should verify that the chosen system design concept(s) is sound and the risks are acceptable.

The final decision **reserved for the Secretary** is the **authorization of full** implementation of the major system needed to satisfy the mission need.

1-150-60 MAJOR DUTIES AND RESPONSIBILITIES

A. Secretary. The Secretary makes the initial determination as to which **programs will be** subject to the major system acquisition process. Once the program has been designated, the Secretary must be kept apprised **of** its progress, and therefore, shall make the four key decisions involved in a major system acquisition. They are:

1. Approval of mission need statement (Identification and definition of a specific mission need to be fulfilled, the relative priority assigned within the Department, and the general magnitude of resources that may be **invested**).
2. Selection of competitively derived system design concepts to be advanced to a test/demonstration phase or authorization to proceed with the development of a noncompetitive (single concept) system.
3. Commitment of a system to full-scale development and initial implementation of limited production.
4. Commitment of a system to full implementation or production.

In cases where more than one Operating Division (OPDIV), or Other major Departmental activity is involved in the acquisition of a major system, the Secretary will determine and assign the roles and responsibilities of each activity.

B. Acquisition Executive.

1. The Acquisition Executive is responsible for integrating and unifying the Department's major system acquisition management process and for monitoring the implementation **of** the A-109 **policy** and the practical applications under that policy.

2. The Acquisition Executive is not responsible for conducting the major system acquisition; that responsibility remains with the Departmental activity which has identified the requirement for the **major** system that will accomplish that activity's **mission** need.
3. The Departmental Acquisition Executive (DAE) is the Assistant Secretary for Management and Budget (ASMB). This appointment has been made by the Secretary because the ASMB is responsible for the primary functional areas pertinent to the major system acquisition process.
4. The DAE shall evaluate each of the four key decision recommendations prior to submission to the Secretary and shall be kept informed regarding all actions taken under a major system acquisition process.
5. In cases where more than one OPDIV or other major Departmental activity is involved in the acquisition of **a major** system, the DAE will make recommendations to the Secretary regarding the roles and responsibilities of each activity.

C. Heads of **OPDIV's**, Heads of OPDIV **Major** Elements, Assistant Secretaries, Heads of OS Staff Offices, Regional Directors.
Heads of **OPDIV's**, heads of OPDIV major elements, assistant secretaries, heads of OS staff offices, and regional directors are responsible for:

1. Identifying mission needs;
2. Notifying the Secretary of major system, and possible **major system**, acquisitions. (Approximately three months prior to the initial budget **request** submission to the Deputy Assistant Secretary, Budget, a memorandum shall be prepared and submitted to the Secretary, through the DAE, identifying each proposed **major system** acquisition meeting the four criteria, each proposed **major** system acquisition meeting the three OMB criteria and having an approximate cost ranging between \$60 M and \$100 **M**, and each proposed acquisition not meeting one or more of the three OMB criteria but having an approximate cost ranging between \$60 **M** and \$100 M.

Each acquisition shall be ranked as to its priority in the overall budget plan. Justifications and rationale supporting the determination that each acquisition between \$60 **M** and \$100 **M** meets or fails to meet the major system acquisition criteria shall be included in the memorandum. The Secretary will approve or disapprove each acquisition, and a copy of the Secretary's determinations will be furnished the Deputy Assistant Secretary, Budget. Upon receipt of the Secretary's determination, the head of the OPDIV, etc. will add the approved acquisitions to the initial budget request submissions.)

3. Assisting the Secretary, through the DAE, in making the four key decisions:
4. Designating **a** program manager for each major system acquisition:
5. Developing the program manager's charter in coordination with the program manager, and providing it to the DAE for approval:
6. Ensuring the program manager fulfills the requisite responsibilities and discharges the duties in accordance with the Circular and this chapter;
7. Becoming familiar with the requirements of the Circular and this chapter and ensuring staffs become familiar with the requirements.
8. Implementing the requirements of the Circular and this chapter:
9. Adhering to all principles **and** requirements concerning major system acquisition policies and procedures:
10. Establishing and maintaining clear lines of authority, responsibility, and accountability **for** the management of each major system acquisition program: and
11. Abolishing and precluding management layering and the placement of excessive reporting requirements on program managers and contractors.

D. Deputy Assistant Secretary, Budget. The Deputy Assistant Secretary, Budget is responsible for:

1. Providing guidance to the heads of the **OPDIV's** etc. regarding the identification of major system acquisitions in all budget submissions;
2. Identifying major system acquisitions during budget reviews and indicating them to the Secretary during his review: and
3. Verifying that major system acquisitions are accurately reported and assigned a relative priority ranking in budget submissions, based upon the Secretary's approval determinations.

E. Program Manager.

1. A program manager is to be appointed for each major system acquisition.
2. The program manager must thoroughly understand what is involved in the major system, understand user needs and constraints, and possess requisite management skills and experience. The program manager is to be provided with budget guidance and a written charter outlining specific authorities, responsibilities, and accountabilities for accomplishing the program objectives. However, management layering will be minimal to preclude restricting the program manager. Necessary resources will be made available to the program manager to fulfill the mission need.
3. The program manager ideally should be a **multi-**disciplined, experienced manager with sufficient tenure and interest in the program to provide continuity with full personal accountability for action taken. The organization and management level of the program manager should be consistent with the importance and scope of the program. A basic knowledge of past experience with the particular program area is a highly desirable prerequisite for the program manager.

4. The program manager is to be provided with a charter to **serve** as a form of a contract between the program manager and the Department (OPDIV). This charter, which is developed specifically for each major system acquisition program, sets forth the scope, objectives, activities, organization and composition of the program manager's major system acquisition team, responsibilities, and the method of operations. Line and staff levels and lines of **authority** and accountability should be identified. All program objectives should be stated in mission need terms and the manner of presentation should not preclude any viable alternative solutions.
5. An initial responsibility of the program manager should be to recruit a staff or identify a team with the requisite skills and experience to manage the assigned project. Since acquisition personnel play a vital role in the A-109 process, they should be included at the earliest practicable point.
6. One of the program manager's first tasks will be to develop an acquisition strategy and plan. This will require that the program manager's team think through the acquisition process and the myriad of individual considerations involved. Based upon this review and evaluation, the factors must be integrated and blended **to** achieve the program objective(s) in an economical, effective, and efficient manner. In developing a system acquisition strategy, considerable thought should be given to specific program goals and objectives. The approach should not be constrained by past routine practices or follow a "schoolbook" solution--the acquisition strategy is to be tailored to the mission need.
7. The strategy should form the basis for the program manager's system acquisition plan. The plan should be used to communicate with higher authority, the management team, and industry. The plan also should provide the means of measuring accomplishments and risks and handling contingencies as the program progresses. At program initiation, it is neither possible nor desirable to address all considerations in detail. It is possible and desirable, however, to examine and **schedule** when decisions on each

consideration can and must be made throughout the acquisition process, that is, to develop and report milestones. Also, there should be a means of refining the strategy and plan as the program proceeds.

8. The program manager is responsible for preparing, and submitting to the DAE through established management channels, the acquisition strategy, the acquisition **plan**, and the key **decision** analyses, findings, and recommendations. When developing the acquisition plan, the program manager shall provide for a schedule to report pertinent milestones throughout the system acquisition process to indicate progress and interrelationships with the objectives of the Circular. These milestone reports shall also be submitted to the DAE for review.

1-150-70 TRAINING

Training needs will be identified as the Department becomes involved with the application of the major system acquisition policy. Program managers and other personnel to be directly involved shall be required to attend formal training sessions sponsored by the Federal government.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 5, 1976

CIRCULAR HO. A-109

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Major System Acquisitions

1. Purpose. *~*~* Circular • establishes policies, to be followed by executive branch agencies in the acquisition of major systems.

2. Background. The • of major systems by the Federal Government constitutes one of the most crucial and expensive activities performed to meet national needs. Its impact is critical on technology, on the Nation's • economic and fiscal policies, and on the accomplishment of Government agency missions in such fields as defense, space, energy and transportation. For a number of years, ttcrs has been deep concern over the effectiveness of the management of major system acquisitions. The report of the Commission on Government Procurement recommended basic changes to improve the process of acquiring major systems. This Circular is based on executive branch consideration of the Commission's recommendations.

3. Responsibility. Each agency head has the responsibility to ensure that the provisions of this Circular are followed. This Circular provides administrative direction to heads of agencies and does not establish and shall not be construed to create any substantive or procedural basis for any person to challenge any agency action or inaction on the basis that such action was not in • with this Circular.

4. Coverage. This Circular covers and applies to:

a. Management of the acquisition of major systems, including: • Analysis of agency missions • Determination of mission needs • Setting of program objectives • Determination of system requirements • System program planning • Budgeting • funding • R&D • Engineering • Development • Testing and evaluation • Contracting • Production • Program and management control • Introduction

(Ho. A-109)

of the system into use or otherwise successful achievement of program objectives.

b. All programs for the acquisition of major systems even though:

(1) The system is one-of-a-kind.

(2) The agency's involvement in the system is limited to the development of demonstration hardware for optional use by the private sector rather than for the agency's own use.

5. Definitions. As used in this Circular:

a. Executive agency (hereinafter referred to as agency) means an executive department, and an independent establishment within the meaning of sections 101 and 104(1), respectively, of Title 5, United States Code.

b. Agency component means a major organizational subdivision of an agency. For example: The Army, Navy, Air Force, and Defense Supply Agency are agency components of the Department of Defense; the Federal Aviation Administration, Urban Mass Transportation Administration, and the Federal Highway Administration are agency components of the Department of Transportation.

c. Agency missions means those responsibilities for meeting national needs assigned to a specific agency.

d. Mission need means a required capability within an agency's overall purpose, including cost and schedule considerations.

e. Program objectives means the capability, cost and schedule goals being sought by the system acquisition program in response to a mission need.

f. Program means an organized set of activities directed toward a common purpose, objective, or goal undertaken or proposed by an agency in order to carry out responsibilities assigned to it.

g. System design concept means an idea expressed in terms of general performance, capabilities, and characteristics of hardware and software oriented either to

(No. A-109)

operate or to be operated as an integrated whole in meeting a mission need.

h. Major system means that combination of elements that will function together to produce the capabilities required to fulfill a mission need. The elements may include, for example, hardware, equipment, software, construction, or other improvements or real property. Major system acquisition programs are those programs that (1) are directed at and critical to fulfilling an agency mission, (2) entail the allocation of relatively large resources, and (3) warrant special management attention. Additional criteria and relative dollar thresholds for the determination of agency programs to be considered major systems under the purview of this Circular, may be established at the discretion of the agency head.

i. System acquisition process means the sequence of acquisition activities starting from the agency's reconciliation of its mission needs, with its capabilities, priorities and resources, and extending through the introduction of a system into operational use or the otherwise successful achievement of program objectives.

j. Life cycle cost means the sum total of the direct, indirect, recurring, nonrecurring, and other related costs incurred or estimated to be incurred, in the design, development, production, operation, maintenance and support of a major system over its anticipated useful life span.

6. General policy. The policies of this Circular are designed to assure the effectiveness and efficiency of the process of acquiring major systems. They are based on the General Policy that Federal agencies, when acquiring major systems, will:

a. Express needs and program objectives in mission terms and not equipment terms to encourage innovation and competition in creating, exploring, and developing alternative system design concepts.

b. Place emphasis on the initial activities of the system acquisition process to allow competitive exploration of alternative system design concepts in response to mission needs.

c. Communicate with Congress early in the system acquisition process by relating major system acquisition program to agency mission needs. This communication should follow the requirements of Office of Management and Budget (OMB) Circular No. A-10 concerning information related to budget estimates and related materials.

d. Establish clear lines of authority, responsibility, and accountability for management of major system acquisition programs. Utilize appropriate management levels in decisionmaking, and obtain agency head approval at key decision points in the evolution of each acquisition program.

e. Designate a focal point responsible for integrating and unifying the system acquisition management process and monitoring policy implementation.

f. Rely on private industry in accordance with the policy established by OMB Circular No. A-76.

g. Major system acquisition management objectives. Each major system should:

a. Ensure that each major system: Fulfills a mission need. Operates effectively in its intended environment. Demonstrates a level of performance and reliability that justifies the allocation of the Nation's limited resources for its acquisition and ownership.

b. Depend on, whenever economically beneficial, competition between similar or differing system design concepts throughout the entire requisition process.

c. Ensure appropriate trade-off among investment costs, ownership costs, schedules, and performance characteristics.

d. Provide strong checks and balances by ensuring independent system test and evaluation. Conduct such tests and evaluation independent, where practicable, of developer and user.

e. Accomplish system acquisition planning, built on analysis of agency missions, which implies appropriate resource allocation resulting from clear articulation of agency mission needs.

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f. Tailor an acquisition strategy for each program, as soon as the agency decides to solicit alternative system design concepts, that could lead to the acquisition of a new major system and refine the strategy as the program proceeds through the acquisition process. Encompass test and evaluation criteria and business management considerations in the strategy. The strategy could typically include:

- Contracting process as an important tool in the acquisition program.
- Scheduling of essential elements of the acquisition process.
- Demonstration, test, and evaluation criteria.
- Content of solicitations for proposals.
- Decisions on whom to solicit.
- Methods for obtaining and sustaining competition.
- Guidelines for the evaluation and acceptance or rejection of proposals.
- Goals for design-to-COST.
- Methods for projecting life cycle costs.
- Use of data rights.
- Use of warranties.
- Methods for analyzing and evaluating contractor and Government risks.
- Need for developing contractor incentives.
- Selection of the type of contract best suited for each stage in the acquisition process.
- Administration of contracts.

g. Maintain a capability to:

- Predict, review, assess, negotiate and monitor costs for system development, engineering, design, demonstration, test, production, operation and support (i.e., life cycle costs).
- Assess economic cost, schedule and performance experience against predictions, and provide such assessments for consideration by the agency head at key decision points.
- Make new assessments where significant costs, schedule or performance variances occur.
- Estimate life cycle costs during system design concept evaluation and selection, full-scale development, facility conversion, and production, to maintain appropriate trade-offs among investment costs, ownership costs, schedules, and performance.
- Use independent cost estimates, where feasible, for comparison purposes.

8. Management structure.

a. The head of each agency that acquires major systems will designate an acquisition executive to integrate and unify the management process for the agency's major system acquisitions and to monitor implementation of the policies and practices set forth in this Circular.

b. Each agency that acquires or is responsible for activities leading to the acquisition of major systems will

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establish clear lines of authority, responsibility, and accountability for management of its major system acquisition programs.

c. Each agency should preclude management level and placing nonessential reporting procedures and paperwork requirements on program managers and contractors.

d. A program manager will be designated for each of the agency's major system acquisition programs. This designation should be made when a decision is made to fulfill a mission need by pursuing alternative system design concepts. It is essential that the program manager have an understanding of user needs and constraints, familiarity with development principles and requisite management skills and experience. Ideally, management skills and experience would include: Research and development, Operations, Engineering, Construction, Testing, Contracting, Prototyping and fabrication of complex systems, Production, Business, Budgeting, Finance, with satisfactory performance, the tenure of the program manager should be long enough to provide continuity and personal accountability.

e. Upon designation, the program manager should be given budget guidance and a written charter of his authority, responsibility, and accountability for accomplishing approved program objectives.

f. Agency technical management and Government laboratories should be considered for participation in agency mission analysis, evaluation of alternative system design concepts, and support of all development, test, and evaluation efforts.

g. Agencies are encouraged to work with each other to foster technology transfer, prevent unwarranted duplication of technological efforts, reduce system costs, promote standardization, and help create and maintain a competitive environment for an acquisition.

9. Key decisions. Technical and program decisions normally will be made at the level of the agency component or operating activity. However, the following four key decision points should be retained and made by the agency head:

a. Identification and definition of a specific mission need to be fulfilled, the relative priority assigned within the agency, and the general magnitude of resources that may be invested.

b. Selection of competitive system design concepts to be advanced to a test/demonstration phase or authorization to proceed with the development of a noncompetitive (single concept) system.

c. Commitment of a system to full-scale development and limited production.

d. Commitment of a system to full production.

10. Determination of mission needs.

8. Determination of mission need *should* be based on an analysis of an agency's mission reconciled with overall capabilities, priorities and resources. When analysis of an agency shows that a need for a new major system exists, such a need should not be defined in equipment terms, but should be defined in terms of the mission, purpose, capability, agency components involved, schedule and cost objectives, and operating constraints. A mission need may result from a deficiency in existing agency capabilities or the decision to establish new capabilities in response to a technologically feasible opportunity. Mission needs are independent of any particular system or technological solution.

b. Where an agency has more than one component involved, the agency will assign the roles and responsibilities of each component at the time of the first key decision. The agency may permit two or more agency components to sponsor competitive system design concepts in order to foster innovation and competition.

C. Agencies should, as required to satisfy mission responsibilities, contribute to the technology base, effectively utilizing both the private sector and Government laboratories and in-house technical centers, by conducting, supporting, or sponsoring: • Research • system design concept studies • Proof of concept work • Exploratory subsystem development • Tests and evaluations. Applied technology efforts oriented to system developments should be performed in response to approved mission needs.

11. Alternative systems.

a. Alternative system design concepts will be explored within the context of the agency's mission need and program objectives--with emphasis on generating innovation and competition from industry. Benefits to be derived should be optimized by competitive exploration of alternative system design concepts, and trade-offs of capability, schedule, and cost. Care must be exercised during the initial steps of the acquisition process not to conform mission needs or program objectives to any known systems or products that might foreclose consideration of alternatives.

b. Alternative system design concepts will be solicited from a broad base of qualified firms. In order to achieve the most profitable system solution, emphasis will be placed on innovation and competition. To this end, participation of smaller and newer businesses should be encouraged. Concepts will be primarily solicited from private industry; and when beneficial to the Government, foreign technology, and equipment may be considered.

c. Federal laboratories, federally funded research and development centers, educational institutions, and other not-for-profit organizations may also be considered as sources for competitive system design concepts. Ideas, concepts, or technology developed by Government laboratories or at Government expense may be made available to private industry through the procurement process or through other established procedures. Industry proposals may be made on the basis of these ideas, concepts, and technology or on the basis of feasible alternatives which the proposer considers superior.

d. Research and development efforts should emphasize early competitive exploration of alternatives, as relatively inexpensive insurance against premature or preordained choice of a system that may prove to be either more costly or less effective.

e. Requests for alternative system design concept proposals will explain the mission needed, schedule, cost, capability objectives, and operating constraints. Each offeror will be free to propose his own technical approach, main design features, subsystems, and alternatives to schedule, cost, and capability goals. In the conceptual and

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lest than full-scale development stages, contractors should not be restricted by detailed Government specifications and standards.

f. Selections from competing system design concept proposals will be based on a review by a team of experts, preferably from inside and outside the responsible component development organization. Such a team will consider: (1) Proposed system functions and performance capabilities to meet mission needs and program objectives, including resources required and benefits to be derived by trade-offs, where feasible, among technical performance, cost, ownership costs, time to develop and procure; and (2) The relevant accomplishment record of competitors.

g. During the uncertain period of identifying and exploring alternative system design concepts, contracts covering relatively short time periods at planned dollar levels will be used. Timely technical reviews of alternative system design concepts will be made to effect the orderly elimination of those least attractive.

h. Contractors should be provided with operational test conditions, mission performance criteria, and life cycle cost factors that will be used by the agency in the evaluation and selection of the system(s) for full-scale development and production.

i. The participating contractors should be provided with relevant operational and support experience through the program manager, as necessary, in developing performance and other requirements for each alternative system design concept as tests and trade-offs are made.

j. Development of subsystems that are intended to be included in a major system acquisition program will be restricted to less than fully developed hardware (full-scale development) until the subsystem is identified as a part of a system candidate for full-scale development. Exceptions may be authorized by the agency head if the subsystems are long lead time items that fulfill a recognized critical need or if they have a high potential for common use among several existing or future systems.

12. Demonstrations.

a. Advancement to a competitive test/demonstration phase may be approved when the agency's mission need and program objectives are reaffirmed and when system design concepts are selected.

b. Major system acquisition programs will be structured and resources planned to demonstrate and evaluate competing alternative system design concepts that have been selected. Exceptions may be authorized by the agency head if demonstration is not feasible.

c. Development of a single system design concept that has not been competitively selected should be considered only if justified by factors such as urgency of need, or by the physical and financial impracticality of demonstrating alternatives. Proceeding with the development of a noncompetitive (single concept) system may be authorized by the agency head. Strong agency program management and technical direction should be used for systems that have been neither competitively selected nor demonstrated.

13. Full-scale development and production.

8. Full-scale development, including limited production, may be approved when the agency's mission need and program objectives are reaffirmed and competitive demonstration results verify that the chosen system design concept(s) is sound.

b. Full production may be approved when the agency's mission need and program objectives are reaffirmed and when system performance has been satisfactorily tested, independent of the agency development and user organizations, and evaluated in an environment that demonstrates expected operational conditions. Exceptions to independent testing may be authorized by the agency head under such circumstances as physical or financial impracticability or extreme urgency.

c. Selection of system(s) and contractor(s) for full-scale development and production is to be made on the basis of (1) system performance measured against current mission need and program objectives, (2) an evaluation of estimated acquisition and ownership costs, and (3) such factors as

contractor(s) demonstrated management, financial, and technical capabilities to meet program objectives.

d. The program manager will monitor system tests and contractor progress in fulfilling system performance, cost, and Schedule commitments. Significant actual vs. forecast variances will be brought to the attention of the program management authority for corrective action.

14. Budgeting and financing. Beginning with FY 1979 all agencies will, as part of the budget process, present budgets in terms of agency missions in consonance with Section 201 (i) of the Budget and Accounting Act, 1921, as added by Section 601 of the Congressional Budget Act of 1974, and in accordance with OMB Circular A-11. In so doing, the agencies are desired to separately identify research and development funding for: (1) The general technology base in support of an agency's overall missions, (2) The specific development effort; in support of alternative system design concepts to accomplish each mission need, and (3) Full-scale developments. Each agency should ensure that research and development is not undesirably duplicated across its missions.

15. Information to Congress.

8. Procedures for this purpose will be developed in conjunction with the Office of Management and Budget and the various committees of Congress having oversight responsibility for agency activities. Beginning with FY 1979 budget each agency will inform Congress in the normal budget process about agency missions, capabilities, deficiencies, and needs and objectives related to its programs, in consonance with Section 601(i) of the Congressional Budget Act of 1974,

b. Disclosure of the basis for an agency decision to proceed with a single system design concept without competitive selection and demonstration will be made to the congressional authorization and appropriation committees.

16. Implementation. All agencies will work closely with the Office of Management and Budget in resolving all implementation problems.

17. Submissions to Office of Management and Budget. Agencies will submit the following to OMB:

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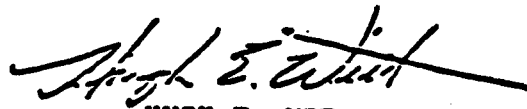
8. Policy directives, regulations, and guidelines as they are issued.


b. Within six months after the date of this Circular, a *time-phased* action plan for meeting the requirements of this Circular.

c. Periodically, the agency approved exceptions permitted under the provisions of this Circular.

This information will be used by the OMB, in identifying major system acquisition trends and in monitoring implementations of this policy.

18. Inquiries. All questions or inquiries should be submitted to the OMB, Administrator for Federal Procurement Policy. Telephone number, area code, 202-395-4677.


HUGH E. WITT
ADMINISTRATOR FOR
FEDERAL PROCUREMENT POLICY

Approved: 
- - - 4 p - -
JAMES T. LYINN
DIRECTOR